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3 CONSTITUTIONAL CONVENTION

4 OF THE

5 STATE OF MARYLAND  
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10 Chamber of the House of Delegates

11 State Capitol

12 Annapolis, Maryland

13 December 30, 1967 - 12:10 p.m.  
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16 HONORABLE H. VERNON ENEY  
17 PRESIDENT  
18

19 Reported by:

20 Dorothy Fitzgerald  
21

Maryland

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1967

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Vol. 36

folio

P R O C E E D I N G S

THE PRESIDENT: The Sergeant at Arms will clear the aisles and close the doors.

The Convention will please come to order.

Delegate Bruce Price.

The invocation today will be offered by Delegate Price.

DELEGATE PRICE: Let us pray:

O God; our Father, Ruler of all the universe, humble us that we may sense our need of Thy direction. Humble us that we may put aside the false pride and pre-occupation with self if that mark our lives. Humble us that we may see clearly that our best fulfillment comes in relationships and responsibilities, not in self-expression or self-indulgence. Humble us that we may know our need for forgiveness.

Then, O Lord, strengthen us to bear the burdens and pains of the day, to do the hard tasks that must be done, to care for our unloved neighbor in his need, to walk on by faith beyond our moment of despair, to try again when we have failed; to build together a living temple of spirit where love will prevail, where forgiveness will



1 take away all marks of natural discord, and where the will  
2 to serve is greater than the desire to be served.

3 These things we pray in our thirsty neediness.  
4 Amen.

5 THE PRESIDENT: Roll call.

6 (Whereupon, the roll was called.)

7 THE PRESIDENT: Has every delegate answered  
8 roll call?

9 The clerk will record the roll call.

10 There being a quorum present, the Convention  
11 is in session.

12 Are there any reports of standing committees,  
13 Mr. Clerk?

14 There are no reports.

15 Any motions or resolutions?

16 Delegate Della.

17 DELEGATE DELLA: Mr. President, I rise on a  
18 point of personal privilege.

19 THE RPESIDENT: State the privilege.

20 DELEGATE DELLA: Mr. President, it certainly  
21 is enlightening to have a co-delegate as a minister to



1 this Convention to lead us in invocations on those occa-  
2 sions when we cannot get another preacher.

3 It has been very enlightening I think to the  
4 remaining delegates and certainly an asset, an extremely  
5 important asset, to lead us into a day when sometimes  
6 the burdens are very heavy. And for that purpose, Mr.  
7 President, I want to thank Delegate Price for the invocation  
8 he gave today. (Applause.)

9 THE PRESIDENT: Thank you very much.

10 Are there any motions or resolutions?

11 If not, the Chair recognizes, as he should have  
12 before, Delegate Powers, Chairman of the Committee on  
13 Calendar and Agenda.

14 DELEGATE POWERS: Mr. President, I move that  
15 today's calendar be amended so as to provide for resuming  
16 consideration of the Committee of Style, Drafting and  
17 Arrangement Report No. 13, dealing with Committee Recom-  
18 mendations EB-1 and EB-2, to come as an item before  
19 Item 7(a). And, as amended, I move the adoption of today's  
20 calendar.

21 THE PRESIDENT: Is there a second?



1 (Whereupon, the motion was seconded.)

2 THE PRESIDENT: All in favor, signify by saying  
3 Aye; contrary, No.

4 The Ayes have it, and the calendar is amended,  
5 and as amended, it is adopted.

6 The first item for consideration is the con-  
7 tinuation of the consideration of Report S&D 13 with respect  
8 to Committee Recommendation EB-1 and EB-2.

9 But before doing that, let me announce, so that  
10 all of you may, to the extent possible make plans, what  
11 it is contemplated that we will do today.

12 I hope we will have shortly concluded considera-  
13 tion of Committee Recommendation EB-1 and 2. A number of  
14 you have indicated plans for this evening of long standing  
15 and every effort will be made to accommodate you so that  
16 the plans can be carried out. And for that reason, our  
17 goal is to conclude the session today by five o'clock --  
18 and earlier, if possible.

19 It is, however, absolutely imperative that we  
20 conclude the items on the agenda. With this in mind,  
21 at the appropriate time, I will recognize Delegate Powers



1 for the purpose of moving that consideration of the  
2 section involved in the question of single member districts  
3 be made the special order of business for next Tuesday.  
4 This will give us time when we will have perhaps more in  
5 attendance. We have a number of absences due to illness  
6 today, but more particularly it will take out of today's  
7 agenda a subject that perhaps will be debated at more  
8 length.

9 I think, so far as I am aware, at least, that  
10 while there is a good deal of work to be done, there  
11 are no major problems that we would have prolonged debate  
12 about.

13 If we can each stay in the chamber and keep  
14 moving briskly and keep speeches and questions terse,  
15 then we can conclude not later than five, and hopefully  
16 before then.

17 At the time of adjournment last evening we had  
18 under consideration Amendment 11. It had been moved,  
19 seconded, and read across the desk.

20 The Chair recognizes Delegate Marion to speak  
21 to the amendment. This is the amendment distributed last



1 night, marked E. It is number 11.

2 Delegate Marion.

3 DELEGATE MARION: Mr. President, this amendment  
4 is offered primarily as an amendment of style. I am told  
5 that it has substantive connotations. The  
6 reason it was offered is because as amended on the floor  
7 by the Committee of the Whole, the last sentence of section  
8 4.24 became what seemed to me, at least, to be ambiguous  
9 at best, with no punctuation in the sentence. After  
10 "majority vote,", from there to the end of the sentence  
11 it became unclear, and I think the Committee on Style  
12 felt that it was not something we could try to punctuate  
13 or tamper with in any way, and therefore it was reported  
14 back in exactly the way it was left by the Committee of  
15 the Whole.

16 I have offered my amendment because it seems  
17 to me that is the way it should be punctuated. I have  
18 made a couple of small changes in words, added the words  
19 "by law" in the last line, since it seems to me that  
20 that is the way the General Assembly would prescribe such  
21 powers and such other actions for the Board of Review.



1           The amendment is offered, in short, because  
2 the "or otherwise act in such manner and have such powers  
3 as the General Assembly may prescribe" did not seem to  
4 relate, or could seem to relate to any or all of what  
5 preceded it.

6           THE CHAIRMAN: Delegate Morgan.

7           DELEGATE MORGAN: Mr. President, last night  
8 I said I didn't think this was a style amendment.  
9 It seems to me it makes a very important change in policy.

10          The way section 4.24 came out of the Committee  
11 of the Whole, the General Assembly had complete juris-  
12 diction to determine what the procedures of the Board of  
13 Public Works should be.

14          Under the Marion amendment, the General Assembly  
15 would be prohibited from doing anything about the require-  
16 ment of the board holding its meetings in public.

17          Now, we have had all of the arguments on this  
18 before, and I don't see any need for repeating them, ex-  
19 cept it seems to me that there are some instances where  
20 it will be absolutely necessary for the Board to hold its  
21 meetings in public -- for example, determining the



1 negotiating position.

2 I don't want to spread that all over the public  
3 record and let people know how high you are willing to go  
4 to buy a piece of property. You certainly wouldn't hold  
5 those meetings in public.

6 I think it will all be left up to the General  
7 Assembly the way it was in the section as it came from the  
8 Committee of the Whole.

9 THE PRESIDENT: Any further discussion?

10 Delegate Burdette.

11 DELEGATE BURDETTE: Mr. President, I should like  
12 to say that the Chairman of the Committee touches upon a  
13 point which explains why the matter was not handled in the  
14 Committee on Style.

15 I am not of the opinion that the language which  
16 came from the Committee of the Whole makes it absolutely  
17 clear that the General Assembly determines whether  
18 or not the Board of Review meets in public. If that is  
19 the desire of the Committee of the Whole, the language can  
20 be achieved, but it seems to me that it may seem to  
21 mandate, even with the language which the Committee of the



1 Whole has used.

2 THE PRESIDENT: Any further discussion?

3 Are you ready for the question?

4 The clerk will ring the quorum bell.

5 The question arises on the adoption of Amendment  
6 No. 11. A vote Aye is a vote in favor of the amendment.

7 A vote No is a vote against.

8 Cast your vote.

9 Has every delegate voted? Does any delegate  
10 desire to change his vote?

11 The clerk will record the vote.

12 There being 20 votes in the affirmative and 75  
13 in the negative, the motion fails and the amendment is  
14 rejected.

15 Delegate Penniman, the Chair has a question.

16 In line 41 on page 9, the sentence ends with the  
17 words "may prescribe." It does not have the words "by  
18 law" added.

19 The Chair was of the opinion that the Committee  
20 on Style was following the uniform practice of saying  
21 "prescribed by law" unless it intended to confer the



1 power of the General Assembly to act by resolution.

2 Am I correct about that?

3 DELEGATE PENNIMAN: Correct. It is simply  
4 an oversight.

5 THE PRESIDENT: So the words "by law" should be  
6 there.

7 DELEGATE PENNIMAN: That is correct.

8 THE PRESIDENT: Would you offer an amendmetn  
9 to that effect?

10 DELEGATE PENNIMAN: If I may do so.

11 THE PRESIDENT: Amendment 12 would be to add the  
12 words "by law" and after the word "prescribe" on page  
13 9, line 41. Is there any objection to considering the  
14 amendment, notwithstanding the fact it is not printed?

15 The Chair hears no objection.

16 Is it seconded?

17 (Whereupon, the motion was seconded.)

18 THE PRESIDENT: It has been duly seconded to add  
19 the words "by law" after the word "prescribe."

20 Is there any objection?

21 A vote Aye is a vote for the amendment, and a



1 vote No is a vote against.

2 Cast your vote.

3 Has every delegate voted? Does any delegate  
4 desire to change his vote?

5 The clerk will record the vote.

6 There being 95 votes in the affirmative and  
7 1 in the negative, the motion is carried and the amend-  
8 ment is adopted.

9 Delegate Burdette.

10 DELEGATE BURDETTE: I must say that I am not  
11 quite sure whether there is still an opportunity for some  
12 more language clean-up. If there is, my suggestion is  
13 not an emergency, but in 4.24 in line 38, to avoid a pure  
14 rhetorical problem and to obtain clearly the meaning  
15 that Chairman Morgan desires, we should place after the  
16 "majority vote" the word "and."

17 THE PRESIDENT: In line 38?

18 DELEGATE BURDETTE: Yes. "The Board shall  
19 act by majority vote 'and'..."

20 THE PRESIDENT: Do you desire to submit such  
21 an amendment?



1 DELEGATE BURDETTE: I do.

2 THE PRESIDENT: Is there any objection to  
3 considering the amendment suggested by Delegate Burdette,  
4 to add the word "and" before the word "shall" in line  
5 38, notwithstanding the fact that it is not printed?  
6 The Chair hears none.

7 This will be amendment 13. Add the word "and"  
8 after the comma and before the word "shall" on line 38,  
9 page 9.

10 Is there a second?

11 (Whereupon, the amendment was seconded.)

12 THE PRESIDENT: Is there any discussion?

13 Are you ready for the question?

14 The question arises on the adoption of Amendment  
15 13. A vote Aye is a vote in favor of the amendment. A  
16 vote No is a vote against.

17 Cast your vote.

18 Has every delegate voted? Does any delegate  
19 desire to change his vote?

20 The Clerk will record the vote.

21 There being 92 votes in the affirmative and 2



1 in the negative, the motion is carried and the amendment  
2 is adopted.

3 Are there any further amendments to section  
4 4.24?

5 The Chair hears none.

6 Are there any amendments to 4.25?

7 The Chair hears none.

8 Section 4.26: Delegate Morgan, do you desire  
9 to offer your Amendment M?

10 DELEGATE MORGAN: I do.

11 THE PRESIDENT: The pages please distribute the  
12 amendment.

13 This will be Amendment No. 14.

14 The clerk will read the amendment.

15 MR. QUILLEN: Amendment No. 14 to Committee  
16 Recommendations No. EB-1 and EB-2 as amended by Report  
17 No. S&D-13, by Delegate Morgan, Chairman of the Committee  
18 on the Executive Branch:

19 On page 10, Section 4.26, Reorganization of  
20 the Executive Branch, strike out all of lines 30, 31, 32  
21 and down to and including the word "administration." in



1 line 33, and insert in lieu thereof the following:

2 "of offices, agencies, instrumentalities and  
3 principal departments, and in the assignment of functions,  
4 powers, and duties among the offices, agencies, instru-  
5 mentalities and principal departments of the executive  
6 branch."

7 THE PRESIDENT: The amendment is submitted by  
8 Delegate Morgan. Is there a second?

9 (Whereupon, the amendment was seconded.)

10 THE PRESIDENT: The amendment having been seconded,  
11 the Chair recognizes Delegate Morgan.

12 DELEGATE MORGAN: This is a committee amend-  
13 ment of a clarifying nature, and it is to make sure that  
14 the language used in the reorganization powers of the  
15 governor is the same language used in the reorganization  
16 power of the General Assembly, so that the powers will be  
17 co-extensive with one another. It was so stated in  
18 the Committee Memorandum EB-2, but there was some question  
19 as to whether the actual wording accomplished that result.  
20 This is for the purpose of making the two powers  
21 co-extensive.



1 THE PRESIDENT: Are there any questions of the  
2 committee chairman? Is there any discussion? Are you  
3 ready for the question?

4 The question arises on the adoption of Amend-  
5 ment 14. A vote Aye is a vote in favor of the amendment.  
6 A vote No is a vote against.

7 Cast your vote.

8 Has every delegate voted? Does any delegate  
9 desire to change his vote?

10 The clerk will record the vote.

11 There being 100 votes in the affirmative and  
12 1 in the negative, the motion is carried, and the amend-  
13 ment is adopted.

14 Are there any other amendments to section 4.26?

15 The Chair hears none.

16 Any amendments to section 4.27?

17 The Chair hears none.

18 Are there any amendments to section 4.28?

19 Delegate Marion, do you desire to submit your  
20 amendment?

21 DELEGATE MARION: Yes.



1 THE PRESIDENT: The pages will distribute  
2 Amendment C. This will be Amendment No. 15.

3 The clerk will read the amendment.

4 MR. QUILLEN: Amendment No. 15 to Committee  
5 Recommendation EB-1 and EB-2 as amended by Report No. S&D  
6 13, by Delegate Marion:

7 On page 11, Section 4.28, Appointments by  
8 Governor, in line 28 strike out the words "head or".

9 THE PRESIDENT: The amendment is submitted by  
10 Delegate Marion. Is there a second?

11 (Whereupon the amendment was seconded.)

12 THE PRESIDENT: The amendment having been  
13 seconded, the Chair recognizes Delegate Marion.

14 DELEGATE MARION: Mr. President, this amend-  
15 ment is also intended to be a stylistic amendment. It  
16 is done in an effort to clarify what seems to me, and what  
17 I have been assured is the meaning of this particular sen-  
18 tence, and it is done because, if the meaning is as it has  
19 been represented to us, the head in this sentence means the  
20 same thing as the chief administrative officer, and yet  
21 it would be used in a context different from the way the



1 word "head" is used when it is spoken of in section 4.27  
2 and in the first sentence of section 4.28; and, perhaps,  
3 also in a different context from the way it is used in the  
4 first sentence of 4.29.

5 The sentence as it now reads speaks of the  
6 governor's power to appoint without the advice and consent  
7 of the Senate each chief administrative officer serving  
8 under a board or commission which is at the head of a  
9 principal department. It then goes on to create an  
10 exception, but it says, "except the head or chief admini-  
11 strative officer of an institution of higher education or  
12 of the State public school system." As I understand it,  
13 when a board or commission is at the head of an institution  
14 of higher education or of the State public school system,  
15 the chief administrative officer cannot also be the head.  
16 The President of the University of Maryland, under this  
17 Constitutional framework, it seems to me, is the chief  
18 administrative officer, acting under a board which is at  
19 the head of the principal department.

20 I see Delegate Case grabbing his microphone.  
21 If I am wrong, I am sure he will set me straight.



1 But perhaps he will tell me why also there has  
2 to be an exception in this sentence, since the sentence  
3 deals with chief administrative officer serving under a  
4 board or commission which is at the head of a principal  
5 department. It seems to me we are using the word  
6 "head," which is a kind of vague or nebulous word, in  
7 more than one way; and each other time that the word "head"  
8 is used, it is used to indicate either a single executive  
9 who is the head of a principal department, or a  
10 board or commission which is at the head of a principal  
11 department.

12 I submit it is confusing in this context, and  
13 either this amendment should be adopted or some other  
14 word should be used, if it is meant to connote something  
15 in addition to the chief administrative officer.

16 THE PRESIDENT: Delegate Morgan.

17 DELEGATE MORGAN: Mr. President, I rise in  
18 opposition to the amendment. I don't think you really  
19 get into very much trouble when you authorize the  
20 governor to appoint the chief administrative officer and  
21 then make an exception and say he can't appoint the head



1 or chief administrative officer of an institution of higher  
2 learning.

3 Personally, I don't think the chief administra-  
4 tive officer adequately describes the functions and  
5 duties of the president of the University of Maryland, and  
6 I think if we are just going to limit the exception to  
7 the chief administrative officer it might be questioned  
8 whether the Convention didn't have somebody else in mind  
9 in the University of Maryland, but we will go ahead and let  
10 the governor appoint the president.

11 That was not the intention. The president is  
12 to be appointed by the Board of Regents, and that is the  
13 reason I oppose this amendment.

14 THE PRESIDENT: Any other discussion?

15 Delegate Case.

16 DELEGATE CASE: Mr. President, with particular  
17 ~~reference~~ to the University of Maryland, the President  
18 of the University of Maryland is considered, or at least  
19 has been up to today, the chief executive officer of the  
20 University, and the chief administrative officer is the  
21



1 vice president, who reports to the president. He happens  
2 to be Dr. ~~Walter Meitjens~~ right now. It was Dr. Albert  
3 Kuhn who has moved over as the chancellor of Baltimore  
4 campus.

5 So in the parlance of the university structure,  
6 if the word "head" is taken out we wouldn't be talking  
7 about the President of the University; we would be talking  
8 about one of his chief assistants.

9 It seems to me, therefore, that at least from  
10 the standpoint of the University, the word "head," which  
11 clearly connotes the president, is a necessary ingredient  
12 to this particular section, and I would hope that this  
13 amendment would be defeated for that reason.

14 THE PRESIDENT: Delegate Kirkland.

15 DELEGATE KIRKLAND: Mr. President, we went  
16 through this in Style, and I might say that Delegate  
17 Marion was there, and the subcommittee that studied this  
18 in Style agreed wholeheartedly with the interpretation just  
19 given by Delegate Case; so therefore, I oppose this amend-  
20 ment.

21 THE PRESIDENT: Delegate Pullen.



1 DELEGATE PULLEN: Mr. Chairman, I agree  
2 with my friend, Delegate Marion, that the "head" is  
3 often a nebulous thing. (Laughter.)

4 I think Delegate Case has stated my concern for the  
5 State Superintendent of Schools. All I ask is that we get  
6 the best legal advice that we can in this group, and  
7 heaven knows there is a lot of it, so there won't be too  
8 much messing around with this particular point.

9 THE PRESIDENT: Delegate Marion.

10 DELEGATE MARION: I wonder if I could direct a  
11 question to Delegate Case.

12 THE PRESIDENT: Delegate Case, do you take  
13 the floor to yield to a question?

14 DELEGATE CASE: Yes, sir.

15 DELEGATE MARION: Wouldn't the Board of Regents  
16 be the head of the University of Maryland under this  
17 structure?

18 THE PRESIDENT: Delegate Case.

19 DELEGATE CASE: The Board of Regents is the  
20 policy making agency which directs the affairs of the  
21 University, but I interpret the word "head" as a person



1 who actually puts the policy into effect. I don't know  
2 that I can categorically answer that question, except  
3 to say as it is now understood, the President is considered  
4 the head, and he is not the chief administrative officer.  
5 He is the chief executive officer. If you would change  
6 "administrative" to "executive," I wouldn't have the concern  
7 I have now.

8 THE PRESIDENT: Delegate Marion.

9 DELEGATE MARION: Another question, if I might.

10 If the University of Maryland is to become a  
11 principal department and is to have a board or  
12 commission so that it would come under certain exceptions  
13 which are provided in these sections here, would not, under  
14 this constitutional language, the board or commission be  
15 the head of that principal department, within the meaning  
16 of those words elsewhere?

17 THE PRESIDENT: Delegate Case.

18 DELEGATE CASE: It is my understanding that  
19 the university would not be a principal department. I  
20 thought that was fought out pretty thoroughly when this  
21 was before us once before in the Committee of the Whole.



1 THE PRESIDENT: Delegate Marion.

2 DELEGATE MARION: May I ask further whether  
3 the word "head" in line 45 means the same to you as the word  
4 "head" in line 28, where in that sentence it is speaking  
5 of a person -- speaking of the head of a principal depart-  
6 ment and each chief administrative officer, and then it  
7 goes on to make an exception for the head or chief adminis-  
8 trative officer of an institution of higher education or  
9 the State public school system?

10 THE PRESIDENT: Delegate Case.

11 DELEGATE CASE: Whether it does or does not is  
12 beside the point and misses the thrust of my argument.  
13 My argument is, if you take the word "head" out of line  
14 28, as your amendment seeks to do, and leave the words  
15 "chief administrative officer" in, you are not then talking  
16 about the President of the University of Maryland.

17 THE PRESIDENT: Any further discussion?

18 Delegate Hanson.

19 DELEGATE HANSON: Mr. President, as I read  
20 this section, I am afraid that both Delegate Marion and  
21 Delegate Case are correct; and this leads me to a series



1 of problems with it that I am not sure that we can correct  
2 on the floor.

3 I agree with Delegate Case that "chief executive  
4 officer" would be more appropriate, but it would seem to  
5 me that the head of the school system is the Board of  
6 Education, and if you leave "head or chief administrative  
7 officer" in, then I am not sure that I know who appoints  
8 the Board of Education in this case.

9 THE PRESIDENT: Delegate Pullen.

10 DELEGATE PULLEN: I would like to ask Delegate  
11 Hanson a question.

12 What is the difference between the authority  
13 of the Board of Regents at the University of Maryland and  
14 the State Board of Education insofar as selection of the  
15 chief administrative officer, or whatever you want to call  
16 him?

17 THE PRESIDENT: Delegate Hanson.

18 DELEGATE HANSON: I take it that under this  
19 section it is intended to be the same, but the way I read  
20 the section I am not sure it is the same, in light of the  
21 colloquy which has just occurred.



1 THE PRESIDENT: Delegate Pullen.

2 DELEGATE PULLEN: That is all I wanted to  
3 establish, except to ask Delegate Case hereafter when he  
4 talks about the University of Maryland, to be kind enough  
5 to include the State board along with it.

6 THE PRESIDENT: Are you ready for the question?

7 The question arises on the adoption of Amendment  
8 No. 15. A vote Aye -- Delegate Hopkins, did you want  
9 to be recognized?

10 DELEGATE HOPKINS: Yes, sir. Maybe it won't  
11 make any difference. That is why I sat down again.

12 I wanted to rise to say that I think I agree  
13 with Delegate Case, and just wanted to say when we get into  
14 the State college system if we take out the word "head"  
15 then there is certainly a great question in my mind whether  
16 you are referring to the six college presidents or to the  
17 administrators on their six campuses, or the administrator  
18 for all the colleges whose offices are in Baltimore. We  
19 won't know what you mean by "head."

20 THE PRESIDENT: Are you ready for the question?

21 The question arises on the adoption of Amendment



1 15. A vote Aye is a vote in favor of the amendment. A  
2 vote No is a vote against.

3 Cast your votes.

4 Has every delegate voted? Does any delegate  
5 desire to change his vote?

6 The clerk will record the vote.

7 There being 8 votes in the affirmative and  
8 88 in the negative, the amendment is lost. The amendment  
9 is rejected.

10 Any other amendments to section 4.28?

11 The Chair hears none.

12 Are there any amendments to section 4.29?

13 Delegate Marion, do you desire to offer your  
14 Amendment D, or do you drpp it now?

15 DELEGATE MARION: I will drop it.

16 THE PRESIDENT: Are there any other amendments  
17 to section 4.29?

18 The Chair hears none.

19 Are there any amendments to section 4.30?

20 Delegate Morgan, do you desire to offer your  
21 Amendment W?



1 DELEGATE MORGAN: Mr. President, last night  
2 Delegate Grant asked me some questions about this section,  
3 and I would like to expand a little bit on my answer.

4 THE PRESIDENT: First, do you desire to offer  
5 the amendment?

6 DELEGATE MORGAN: I do.

7 THE PRESIDENT: Let us get it distributed,  
8 first. I am not sure it is printed yet.

9 The pages will please distribute Amendment W,  
10 "W" for William.

11 This will be Amendment 16.

12 The clerk will read the amendment.

13 MR. QUILLEN: Amendment No. 16 to Committee  
14 Recommendation No. EB-1 and EB-2 as amended by Report  
15 No. S&D-13, by Delegate Morgan:

16 On page 12, Section 4.30, Appointment and  
17 Removal of Other Persons, in line 18 after the word "or"  
18 add the words "whose method of";  
19 and in line 20 strike out the word "and" and insert in  
20 lieu thereof the word "or".

21 THE PRESIDENT: The amendment is submitted by



1 Delegate Morgan. Is there a second?

2 (Whereupon, the amendment was seconded.)

3 THE PRESIDENT: Delegate Grant seconds the  
4 amendment.

5 The Chair recognizes Delegate Morgan.

6 DELEGATE MORGAN: Delegate Grant asked me  
7 last night whether this appointment or removal was in the  
8 disjunctive. I told him it was. The Executive Branch  
9 Committee as a committee never did consider this question  
10 as such. There was never any question in my mind but what  
11 the appointment or removal was in the disjunctive, and this  
12 section applied to the removal of officers as well as to  
13 the appointment of officers, and again gave the General  
14 Assembly the power to deal with that problem.

15 In reading the section, however, it seemed  
16 to me that there was some question about that "and" if the  
17 word "and" was used in line 20, and so one of the things  
18 this amendment does is to strike out the word "and" and  
19 put in place of it "or". And to make sure it means  
20 what I said it meant last night, to insert "for removal whose  
21 method is not specifically provided," and so forth.



1           THE PRESIDENT: Any questions to the Committee  
2 Chairman? Is there any further discussion? Are you  
3 ready for the question?

4           The question arises on the adoption of Amendment  
5 No. 16. A vote Aye is a vote in favor of the amendment.  
6 A vote No is a vote against.

7           Cast your votes.

8           Has every delegate voted? Does any delegate de-  
9 sire to change his vote?

10          The clerk will record the vote.

11          There being 93 votes in the affirmative and 3  
12 in the negative, the motion is carried and the amendment  
13 is adopted.

14          Are there any other amendments to section 4.30?

15          The Chair hears none.

16          Section 4.31: Delegate Morgan, do you desire  
17 to offer your Amendment N?

18          DELEGATE MORGAN: Yes, I do, Mr. President.

19          THE PRESIDENT: Pages please distribute  
20 Amendment N..

21          This will be Amendment No. 17.



1 The clerk will read the amendment.

2 MR. QUILLEN: Amendment No. 17 to Committee  
3 ~~Recommendations~~ Nos. EB-1 and EB-2 as amended by Report  
4 No. S&D-13, by Delegate Morgan.

5 On page 13, Section 4.31, Interim and Recess  
6 Appointments, in line 3 strike out the word "recess" and  
7 insert in lieu thereof the word "adjournment".

8 THE PRESIDENT: Amendment No. 17 is submitted  
9 by Delegate Morgan. Is there a second?

10 (Whereupon, the amendment was seconded.)

11 THE PRESIDENT: The amendment has been seconded  
12 by Delegate Bennett.

13 The Chair recognizes Delegate Morgan.

14 DELEGATE MORGAN: This is simply a clarifying  
15 amendment. We think, and I believe the Chairman of  
16 the Style and Drafting Committee thinks, that adjournment  
17 of the Senate more accurately describes what we have in  
18 mind when we are talking about these interim appointments,  
19 instead of recess of the Senate.

20 The Senate can recess from time to time, but  
21 during the adjournment, why that really means during the



1 sine die adjournment.

2 THE PRESIDENT: Any questions of the Committee  
3 Chairman? Is there any discussion?

4 Are you ready for the question?

5 The question arises on the adoption of Amendment  
6 No. 17. A vote Aye is a vote in favor of the amendment.  
7 A vote No is a vote against.

8 Cast your votes.

9 Has every delegate voted? Does any delegate  
10 desire to change his vote?

11 The clerk will record the vote.

12 DELEGATE KIEFER: Mr. President, we missed  
13 the last couple of these amendments. Have they been  
14 printed?

15 THE PRESIDENT: The amendments have been  
16 printed and distributed.

17 DELEGATE KIEFER: They don't get over this far.

18 THE PRESIDENT: I am sorry.

19 Any delegates who do not have Amendment W for  
20 William, please hold up your hand and the pages will  
21 come to you -- Amendment W.



1 Delegate Della.

2 DELEGATE DELLA: Mr. President, on this last  
3 amendment introduced by Delegate Morgan, where you insert  
4 adjournment instead of recess; Delegate Morgan, do you  
5 know that the Senate adjourns everyday?

6 THE PRESIDENT: Delegate Morgan.

7 DELEGATE MORGAN: Well, this is supposed to  
8 mean a sine die adjournment.

9 THE PRESIDENT: Delegate Della.

10 DELEGATE DELLA: I am not clear about this, but  
11 in the context in which the sentence is used in this  
12 particular section, the last part, would it make any dif-  
13 ference whether we were thinking of adjournment overnight  
14 or adjournment sine die?

15 I don't think it matters at all, except that the  
16 word "adjournment" was used, and the Senate also adjourns  
17 everyday. I don't know whether they were taking  
18 that into consideration or not.

19 THE PRESIDENT: Delegate Morgan, as I understand  
20 the sentence, it wouldn't make any difference whether the  
21 adjournment was adjournment sine die or adjournment overnight,



1 is that correct?

2 DELEGATE MORGAN: You are correct, Mr. President,  
3 it would not.

4 THE PRESIDENT: I take it literally it wouldn't  
5 make any difference if it were a recess, either, so long  
6 as "recess" included "adjournment"; is that correct?

7 DELEGATE MORGAN: Yes.

8 THE PRESIDENT: Very well.

9 The vote on Amendment 17 has been recorded.  
10 The Chair has not announced it.

11 Does any delegate desire to change his vote on  
12 that amendment?

13 On Amendment 17, there being 102 votes in the  
14 affirmative and 2 in the negative, the amendment is adopted.

15 Has any delegate not received a copy of '  
16 Amendment C?

17 Has any delegate not received a copy of Amend-  
18 ment W?

19 Any delegates who do not have copies of  
20 Amendments C or W will please indicate, and the pages will  
21 bring them to you.



1 Any delegates who have not received a copy  
2 of the Amendment marked N, "N" for "nobody," or C, W, or  
3 N, just keep your hand up for a few moments.

4 Mrs. Marks, will somebody please get copies of  
5 C, W, and N and bring them to us?

6 Are there any other amendments to section 4.31?

7 The Chair hears none.

8 Are there any amendments to section 4.32?

9 The Chair hears none.

10 Are there any amendments to section 4.33?

11 The Chair hears none.

12 Are there any amendments to section 4.34?

13 The Chair hears none.

14 Delegate Byrnes, do you desire to offer your  
15 Amendment "A" for "able"?

16 DELEGATE BYRNES: Yes, sir.

17 THE PRESIDENT: The pages will please distri-  
18 bute Amendment A. This will be Amendment No. 18.

19 The clerk will read the amendment.

20 MR. QUILLEN: Amendment No. 18 to Committee  
21 Recommendations Nos. EB-1 and EB-2 as amended by Report



1 S&D-13, by Delegate Byrnes:

2 On page 13, section 4.34, State's Attorney,  
3 in line 34 after the period insert the following new  
4 sentence:

5 "Candidates for the office of State's Attorney  
6 may cross file in party primary elections and shall run  
7 in party primary elections and in general elections without  
8 party designation."

9 THE PRESIDENT: The amendment is offered by  
10 Delegate Byrnes.

11 Is there a second?

12 (Whereupon, the amendment was seconded.)

13 THE PRESIDENT: The amendment is seconded by  
14 Delegate Barrick.

15 The Chair recognizes Delegate Byrnes.

16 DELEGATE BYRNES: Mr. Chairman and members  
17 of the Convention:

18 I don't want to devote a great deal of time  
19 to you again. We submitted this to your consideration on  
20 first reading, and it lost by I think only ten votes.  
21 Subsequent to that, a sufficient number of people, I might



1 say, suggested that they might like the opportunity of  
2 voting on it. There were 25 people who were not able  
3 to vote the first time around, and to recapitulate briefly,  
4 the point of the amendment is to attempt in a very  
5 slight way to bring the office of State's Attorney closer  
6 to a non-partisan tone or atmosphere.

7 We suggest that non-partisan office of State's  
8 Attorney is necessary. With the very very sensitive  
9 role that he plays in the prosecution of criminals and the  
10 protection of the liberties of all the people of the State  
11 in the jurisdiction over which he proceeds, this is somebody  
12 we have to be very concerned about.

13 This doesn't cover all the reforms, but the  
14 committee took a wise step forward in permitting the  
15 General Assembly to establish State's Attorneys in districts  
16 rather than strictly counties. The point of that suggestion  
17 by the committee was to recognize that from county to  
18 county to county there are great variations in quality and  
19 competence among the State's Attorneys. There is a  
20 great need in the future for a consolidated, coordinated  
21 Statewide system of prosecution with some local autonomy.



1 This amendment says the State's Attorneys will have  
2 the same privilege that we afford the judges. They may  
3 cross file.

4 This will grant the State's Attorneys a greater  
5 freedom of actoin. The State's Attorneys suggest that  
6 they find this to be a desirable approach to their election.

7 The Executive Branch Committee itself first de-  
8 cided that they were going to recommend this in the  
9 transitional legislation, but were apprised of the fact  
10 that this is not appropriate for that, and they did not think  
11 it appropriate for the Consitution itself; therefore, they  
12 dropped it.

13 I think this would be a very wise, formidable  
14 step forward at this point. Itwill not be a dramatic  
15 thing. It will lead to a greater efficiency and produc-  
16 tivity and raise the level of integrity and professionalism  
17 in all the offices of the State.

18 The last time we debated this the point was  
19 made effectively by Delegate Hanson, that the policies of  
20 the State's Attorneys are something that should be sub-  
21 jected to the will of the people. We concede to that.



1 Certainly the law enforcement problem is a social problem,  
2 and to that extent the office is a political one, to the  
3 extent it responds to the social wills of the people.

4 We don't think this necessarily means that it  
5 must be strictly a partisan office. We suggest it remain  
6 elective, but that it remain a non-partisan election by  
7 the process of cross filing.

8 That is all I have, sir.

9 THE PRESIDENT: Delegate Morgan.

10 DELEGATE MORGAN: Mr. President, Delegate Byrnes  
11 is correct in telling what went on in the Executive Branch  
12 Committee. The committee at first proposed to provide for  
13 cross filing and running without party designation in  
14 the schedule of legislation. When we were advised that  
15 this was inappropriate, that we could not do that, then we  
16 specifically took up the question as to whether to  
17 include the cross filing and running without party designation in the Constitution.

18  
19 The Executive Branch Committee felt that the  
20 General Assembly ought to have complete flexibility in what  
21 they did about the State's Attorneys, and so they turned



1 that proposal down. I am sure the Executive Branch Com-  
2 mittee would be opposed to this amendment.

3 THE PRESIDENT: Any further discussion?

4 Are you ready for the question?

5 Delegate Willoner.

6 DELEGATE WILLONER: Mr. Chairman, I spoke on  
7 this before. I think it is one of the very important  
8 things we can do in this Convention. It is a problem  
9 that the President's Crime Commission has addressed itself  
10 to in studies; and rather than to spell out the many  
11 things that we discussed when we discussed this provision  
12 on the floor before, I would just like to say that it is  
13 an excellent provision and it would go a long way to  
14 upgrading State's Attorneys' offices in this State.

15 THE PRESIDENT: Any further discussion?

16 Delegate Churchill Murray.

17 DELEGATE C. MURRAY: Mr. President, I should like  
18 to say that as a layman I heartily approve of this, and I  
19 hope that the amendment will be supported.

20 THE PRESIDENT: Any other discussion?

21 Delegate Johnson.



1 DELEGATE JOHNSON: Mr. President and Ladies  
2 and Gentlemen of the Convention:

3 Although it is perfectly obvious that the intent  
4 by the sponsor of this amendment is entirely well meaning,  
5 there are some very definite inherent dangers in an amend-  
6 ment of this nature.

7 First, of course, it is not a matter for the  
8 Constitution. There should be, as Delegate Chairman Morgan  
9 has indicated, flexibility with the legislature. Now, it  
10 doesn't take very much imagination for each and every one  
11 of you to realize that you will not improve the quality of  
12 the candidates for office merely by indicating a cross  
13 filing. I see this particular -- a move of this particular  
14 type as being one which will create greater partisan type  
15 elections, rather than less. In other words, I am afraid  
16 that there will be more candidates filing because of the  
17 cross filing. I think that there will be a much stronger  
18 indication of political pressure on each and every one of  
19 the candidates running to be on both a Democratic and  
20 Republican ballot.

21 I don't think for a minute that the members



1 of the public will be fooled into not knowing who is a  
2 Republican candidate and who is a Democratic candidate.

3 What I am greatly concerned about is a very  
4 highly qualified candidate being put in a position where  
5 he is going to have to pay a great deal of money in order  
6 to be put both on a Republican and Democratic ticket.

7 So for those reasons and many others, I strongly  
8 urge the Convention to reject this amendment and to leave  
9 it up to the legislature to so provide, if it can do so; but  
10 subject to change, if this procedure does not work.

11 THE PRESIDENT: Are you ready for the question?

12 Delegate Bennett.

13 DELEGATE BENNETT: I ask my fellow delegates  
14 to pause for just a moment to think of the tremendous  
15 powers of the State's Attorneys. He not only has powers  
16 and responsibilities with respect to trying, the actual  
17 trying of cases, but he has powers to downgrade the charge,  
18 to accept pleas. But most importantly, he has  
19 the power to investigate through grand jury proceedings  
20 almost anything in his area or within the State. We have had  
21 recently an indication of how far a State's Attorney



1 can go in the person of Mr. Jim Garrison of New Orleans  
2 who has been investigating, as you know, the Kennedy  
3 assassination, a situation, incidentally, which disgraces  
4 the administration of justice throughout the country and  
5 causes the public to lose confidence in it, and it seems  
6 to me that if we pass this amendment we will greatly en-  
7 hance the confidence of the public in the administration  
8 of justice and in our whole judicial system.

9 I hope the amendment will pass.

10 THE PRESIDENT: Delegate Mason.

11 DELEGATE MASON: Mr. Chairman, I rise, reluc-  
12 tantly, to oppose this amendment. I appreciate the pur-  
13 poses for which Delegate Byrnes sponsored this amendment,  
14 but I don't think it will accomplish the purposes. The  
15 fact that you make the office non-partisan certainly would  
16 not take politics out of running for State's Attorney.

17 Now, it is a fact that in this State we only have  
18 about four or five full time State's Attorneys, and as I  
19 understand, in some counties you have to even draft State's  
20 Attorneys, and you have to go to another county in some  
21 counties to become a State's Attorney; so I think, with



1 the exception of four or five counties, including Baltimore  
2 City, there are not too many candidates for the office of  
3 State's Attorney.

4 Another thing, I don't think it should be in the  
5 Constitution, because we have mandated in the Constitution  
6 what should take place in the primary elections, and I  
7 think primary elections are party elections and nothing should  
8 be designated in the Constitution about primary elections.

9 THE PRESIDENT: Delegate Clagett.

10 DELEGATE CLAGETT: Mr. President, would Delegate  
11 Byrnes yield to a question?

12 THE PRESIDENT: Delegate Byrnes, will you yield  
13 for a question?

14 DELEGATE BYRNES: Yes.

15 THE PRESIDENT: This is the second time you  
16 take the floor, and the last on this question.

17 DELEGATE CLAGETT: Delegate Byrnes, in lieu of  
18 your amendment, would you accept in line 34, after the  
19 article "the" which heads the sentence, "method of  
20 election"?

21 THE PRESIDENT: Delegate Clagett, your last



1 comment wasn't heard.

2 DELEGATE CLAGETT: Insert the word "this" in  
3 line 34.

4 THE PRESIDENT: The Chair is lost.  
5 Are you referring to page 13 or to the amendment,  
6 now?

7 DELEGATE CLAGETT: Page 13, section 4.34, the  
8 caption is "State's Attorney".

9 THE PRESIDENT: And in line 34 --

10 DELEGATE CLAGETT: -- after the article "The"  
11 which begins the sentence on that line, insert after the  
12 article "the" the words "method of election,".

13 THE PRESIDENT: This is not an amendment of  
14 the existing amendment at all, as I understand it.

15 DELEGATE CLAGETT: I am asking whether he would  
16 accept that amendment in lieu of his amendment.

17 THE PRESIDENT: Very well.

18 Delegate Byrnes.

19 DELEGATE BYRNES: I think the phrase in line  
20 36, "all other matters", would probably include what you  
21 are seeking to suggest.



1 THE PRESIDENT: I take it you are saying No?

2 DELEGATE BYRNES: I would have to say No.

3 THE PRESIDENT: Thank you.

4 Delegate Rybczynski.

5 DELEGATE RYBCZYNSKI: I think we all heard the  
6 discussion during the judiciary section as to the problems  
7 with cross filing. As I remember, there were many speakers,  
8 probably including Delegate Byrnes, who told us then of  
9 the evils attached to cross filing, that the judge candi-  
10 dates are forced to deal with various political leaders,  
11 not just on one side, but, as a matter of fact, on both  
12 sides. They have to make all sorts of promises to do  
13 favors, and I don't think I have to repeat all of the prob-  
14 lems that were presented by the very same people dealing with  
15 the very same problem, but on another topic.

16 I would strongly suggest to the delegates here  
17 that cross filing would not take anything out of  
18 politics, but rather using the same argument, if they want  
19 to do it completely, they will have to do it by way of  
20 commissioners.

21 I strongly suggest that we defeat this amendment.



1 THE PRESIDENT: Delegate Grumbacher.

2 DELEGATE GRUMBACHER: Out of sympathy for Judge  
3 Powers' pocket, I move the previous question.

4 (Whereupon, the motion was seconded.)

5 THE PRESIDENT: All in favor, signify by saying  
6 Aye; contrary, No.

7 The Ayes have it. It is so ordered.

8 The question arises on the adoption of Amendment  
9 18. A vote Aye is a vote in favor of the Amendment. A  
10 vote No is a vote against.

11 Cast your vote.

12 Has every delegate voted?

13 Does any delegate desire to change his vote?

14 The clerk will record the vote.

15 There being 48 votes in the affirmative and 56  
16 in the negative, the motion fails, and the amendment is  
17 rejected.

18 Delegate Grant, the Chair understands you do  
19 not desire to offer your Amendment R?

20 DELEGATE GRANT: That is correct.

21 THE PRESIDENT: Thank you.



1 Scratch it.

2 The pages will please distribute Amendments U  
3 and V. These were amendments numbered 5 and 6 which you  
4 acted on last night. They are distributed now merely to  
5 complete your file.

6 Are there any other amendments to section 4.34?

7 The Chair hears none.

8 The question arises on the adoption of Committee  
9 Recommendation EB-1 and EB-2 as amended.

10 Is there any further discussion? Are you  
11 ready for the question?

12 The clerk will ring the quorum bell.

13 The question arises on the adoption of Committee  
14 Recommendation EB-1 and EB-2 as amended on second reading.  
15 A vote Aye is a vote in favor of the adoption of the  
16 Committee Recommendations as amended. A vote No is a vote  
17 against.

18 Cast your votes.

19 Has every delegate voted? Does any delegate de-  
20 sire to change his vote?

21 The clerk will record the vote.



1           There being 103 votes in the affirmative and 1  
2           in the negative, Committee Recommendations EB-1 and EB-2  
3           as amended are adopted on second reading and are referred  
4           to the Committee on Style, Drafting and A-rangement.

5           The next item for consideration on the calendar  
6           is the Report of the Committee on Style, Drafting, and  
7           Arrangement No. S&D-16. This is a report which deals with  
8           Committee Recommendations LB-1, LB-2, and LB-3.

9           Delegate Penniman, please come forward to the  
10          reading desk.

11          Delegate Gallagher and his advisers please come  
12          forward to the committee desk.

13          Delegate Penniman.

14          DELEGATE PENNIMAN: Mr. Chairman, if I may,  
15          before making the report, ask the indulgence of my fellow  
16          delegates, I would like to note that today my wife and three  
17          of my children are in the balcony. If I watch the use of  
18          my words, I guess I would not say that my wife is here to  
19          celebrate an anniversary, but perhaps to reassure herself  
20          that the once young man whom she married once 27 years ago  
21          today really still does exist and does work, even though



1 she seldom sees him.

2 THE PRESIDENT: And he is still young. (Applause.)

3 DELEGATE PENNIMAN: I was going to ask prior to  
4 the welcome that in the course of the welcome you make it  
5 clear to her that I might be able to get home for dinner  
6 tonight, and that we will indeed quit by five o'clock  
7 tonight.

8 The changes in the Legislative Branch Recom-  
9 mendations have been few indeed. As I look at these  
10 each time as I am reporting them I find that we make fewer  
11 and fewer changes. It seems that there are three possi-  
12 bilities: Either we are becoming more respectful of others;  
13 or, as some of my critics have suggested, we simply got  
14 tired; or the third possibility is that all of us are  
15 improving in matters of style -- and this is the one that  
16 I would choose.

17 There are virtually no changes, as you can see,  
18 in sections 3.01, 3.02, 3.03 and 3.04. There are no changes,  
19 except that I would like consent to make a change of my  
20 own for an effort of my committee or in the typing, one  
21 or the other.



1           On page 2, line 12, the word "elections" should  
2 be singular, not plural; so the "s" should be dropped from  
3 that "elections".

4           DELEGATE JAMES: Is there any objection to modi-  
5 fying the language by dropping the letter "s"?

6           In the absence of objection it will be considered  
7 so modified.

8           DELEGATE PENNIMAN: Otherwise, the only change  
9 in section 4 is a slight rewording and a change in the order  
10 of the sentences.

11           We have no changes of any consequence in 3.05  
12 or 3.06.

13           I perhaps should have said at the beginning  
14 throughout where the word "legislature" was mentioned we  
15 changed it to the General Assembly to make it perfectly  
16 clear.

17           In 3.07 there are minor changes which were  
18 intended merely to reduce the length of the article and  
19 to bring it in -- the section -- and to bring it in line  
20 with the changes which we have made in the executive  
21 branch and in the section on -- or the article on the



1 judiciary.

2 There are no changes again of any consequence in  
3 3.09, 3.10, 3.11; no change in -- I am sorry. We made a  
4 change of one word in 3.12.

5 On page 5, lines 10 to 13 had originally been  
6 section 4.13 in the Executive Branch and had been moved over  
7 to the legislative branch, along with the other instances  
8 where reference is made to the governor's authority to convene  
9 special sessions.

10 On page 6, if you will look at line 6 and the  
11 sentence that begins on line 6, "The subject of every law  
12 shall -e described in its title," and if you will put a  
13 line under that sentence to indicate that it is italicized  
14 -- in other words, it is a sentence of the committee,  
15 drawn, to be sure, from lines 10 and 11, but it is an inser-  
16 tion and therefore should indicate a change from the way  
17 in which it came to us from the floor. It is not a change  
18 in content, but we should have indicated that we made a  
19 change in the place where it is listed. So if you will,  
20 underline it - "The subject of every law shall be described  
21 in its title."



1                   If you underline that it will indicate the italics  
2 which we forgot.

3                   In line 13, add the words "the requisite revenue."  
4 We inserted the words "the requisit revenue" because  
5 it is clear in Article 6.15 that in a supplementary  
6 appropriations act the legislature needs to indicate not  
7 only that it is subject to the appropriations, but the fact  
8 of the availability of the revenues.

9                   This is merely to keep it in line with what we  
10 have already done in 6.15 It is really a change of order,  
11 to get it chronologically stated, rather than in some other  
12 slightly different manner.

13                   In 3.19 -- I am sorry, Mr. Chairman, but when  
14 I asked that the words be italicized I forgot to pause long  
15 enough for you to get approval, if they will give it to us,  
16 for that change in section 3.16.

17                   DELEGATE JAMES: Chairman Penniman requests the  
18 right to modify a sentence on page 6, "The subject of every  
19 law shall be described in its title."

20                   Unless there is objection, the language will  
21 be considered to be so modified to permit that italicized



1 language.

2 DELEGATE PENNIMAN: We will turn now to 3.17.

3 We once more have the problem of making some  
4 changes in -- I am sorry, section 3.19.

5 In section 3.19, line 14, page 7, please change  
6 the word "provide" to "prescribe"; page 7, line 14, the  
7 first word in the line.

8 In line 18 --

9 DELEGATE JAMES: Unless there is objection, the  
10 word "provide" on line 18 will be amended to read "prescribe."

11 DELEGATE PENNIMAN: There are four of those in  
12 that same paragraph. It comes up on line 18, again on  
13 23, and again on 27, all in the same section.

14 DELEGATE JAMES: Unless there is objection, the  
15 paragraph will be considered so modified.

16 Delegate Beatrice Miller, for what purpose  
17 do you rise?

18 DELEGATE B. MILLER: On line 21 and 22, the  
19 phrase "at reasonable times" --

20 DELEGATE PENNIMAN: Delegate Miller was about  
21 to make a correction also on line 21 and 22.



1           We had crossed out the words "at reasonable  
2 times," and we did not intend to cross it out. We  
3 intended to move it to the other side of "public," and by  
4 a typographical error we removed it and didn't put it  
5 back on the other side. This was the subject of con-  
6 siderable discussion in which both Delegates James and  
7 Della were involved, and we changed it unintentionally.  
8 We did not want to remove it. "At reasonable times"  
9 should appear after "public" and before the period.

10           DELEGATE JAMES: Unless there is an objection,  
11 the transposition will be permitted.

12           DELEGATE PENNIMAN: In section 3.20 we made a  
13 few changes, because as the section was originally stated  
14 it seemed to us possible that there might be circumstances  
15 under which an enacted law never did go into effect, and we  
16 felt that this was not the intention of the committee.

17           There are no changes of any significance in  
18 3.21 or 3.22.

19           Now, in section 3.23 I would like --

20           DELEGATE JAMES: Delegate Borom.

21           DELEGATE BOROM: In 3.22 I notice on line 25,



1 near the end you used the term "the plan" and on page 2 in  
2 a prior section, line 44, you struck out "plan" and put in  
3 "it". I wonder if for consistency you wanted to use  
4 the same term there.

5 DELEGATE PENNIMAN: I certainly have no objec-  
6 tion to that being changed to "it".

7 There is some merit to having a certain kind of  
8 consistency in this matter.

9 DELEGATE JAMES: Is there any objection to  
10 that change?

11 Would Delegate Penniman indicate the change?  
12 Are you suggesting this change for the consideration  
13 of the assembly?

14 DELEGATE PENNIMAN: If we may, on line 25, since  
15 we referred to the Congressional redistricting plan  
16 having gone to the governor, in 24 and 25, who shall  
17 transmit "it", which would get it in line with the way  
18 we had done it in an earlier section, and that is quite  
19 correctly brought to our attention by Delegate Borom.

20 DELEGATE JAMES: If there is no objection, the  
21 language will be so modified.



1           DELEGATE PENNIMAN: The most important section  
2 in some respects of this article is section 3.23, the General  
3 Application of Laws. This was once section 7.06. This  
4 is the section which had been in the Local Government  
5 article, and which had sought to define areas in which  
6 there would be general laws, public general laws and public  
7 local laws, and what the limitations were.

8           As you know, one of the major points of this Con-  
9 vention has been to create a situation in which public gen-  
10 eral laws are the rule and public local laws are the ex-  
11 ceptions. What we finally did -- and we have done this  
12 by now some 8 or 10 different ways, consulting with  
13 virtually all the chairmen and other advisers within the  
14 Convention -- what we have finally done is to state the  
15 general principle that the General Assembly shall enact no  
16 public laws except general laws which in their terms and  
17 effect apply throughout the State, and then continuing,  
18 which was also in 7.06, "No county shall be exempt from  
19 public general law, and the General Assembly shall have  
20 the power, notwithstanding the limitations imposed in this  
21 section, to enact laws pertaining to..." and from here on



1 we provide the only exceptions that there are to the  
2 general statement made above about the enactment of only  
3 general laws.

4 Now, in the tag end of the paragraph on page 9,  
5 beginning in line 13, we pick up what had been 3.17(a)  
6 dealing with the power of the General Assembly to pass  
7 special laws with its limitation that the General --  
8 I am sorry. "This section shall not be construed to limit  
9 any power of the General Assembly otherwise existing under  
10 this Constitution to enact special laws except that a  
11 special law shall not be enacted for any situation for which  
12 a general law is applicable."

13 If I may go back briefly to the exceptions, most  
14 of the exceptions are the ones which already existed  
15 and are stated in Article VII, the Local Government Article.  
16 It is, however, true that there are two items which may  
17 well come up for discussion in this group, because while  
18 there is some indication from the discussions on the floor  
19 and in the case of education clearly involved in a couple  
20 of colloquies involving Delegate Lord, on the one hand  
21 and Delegate Maurer and Delegate Moser on the other; and



1 in the case of conservation there is a colloquy, or rather  
2 a speech made by Delegate Carson and another which was made  
3 by Delegate Storm, and in each of these instances, in the  
4 case of education and in the case of conservation, the  
5 indication was clear that there was an intention that the  
6 General Assembly have the authority to pass legislation  
7 which did vary in its terms and effects from one county  
8 to another.

9 I think in all other instances they are in the  
10 Local Government Article, and I should say that indeed,  
11 we have included one or two that may not have been neces-  
12 sary. They are included to make absolutely sure that  
13 there is no confusion on the matter.

14 For example, it probably is not necessary to  
15 speak of the exception of providing for or regulating  
16 the powers of departments, agencies or instrumentalities  
17 of the State which perform a State if not a local function.  
18 That probably would have been considered general public --  
19 general law, anyway. We put it in just to be absolutely  
20 certain.

21 This is the way that we bring that to you. It has



1       been worked out rather carefully beginning with the Local  
2       Government group, but also in conversations with virtually  
3       everybody else who has had a concern with any portion of  
4       that Article.

5               DELEGATE JAMES:   Delegate Raley.

6               DELEGATE RALEY:   Mr. Chairman, in that section  
7       providing for the regulation of departments, agencies  
8       and instrumentalities, could you clarify that for me?  
9       Does that mean that an agency, say the Department of Chesapeake Bay Urban Affairs, that if they issue a law that says  
10      the oyster season in the Wicomico River will be from September 15 to October 15, that the General Assembly could  
11      then pass a law, a local law affecting that and rubbing  
12      it out and erasing it?  
13      it out and erasing it?

14              DELEGATE PENNIMAN:  I think this is a question  
15      that, in the absence of Delegate Moser, I might refer  
16      to Delegate Clagett, since this is one of those instances  
17      where we picked it up virtually bodily from the Local  
18      Government Article, if I may so do.  
19      Government Article, if I may so do.

20              DELEGATE JAMES:   Delegate Clagett.

21              DELEGATE CLAGETT:  The answer is in the



1 affirmative. The General Assembly could do so.

2 DELEGATE PENNIMAN: Delegate Raley --

3 DELEGATE RALEY: So I can understand this,  
4 becuse it seems that you are giving this, if I understand  
5 what you are doing, it means that any administration edict  
6 of an administrative authority can be countermanded by  
7 by an act of the General Assembly on a local law, and  
8 then you further go on.

9 Is this true?

10 It further goes on and says that the General  
11 Assembly can also pass other laws having to do  
12 with natural resources on a local basis. Is that correct?

13 DELEGATE CLAGETT: That is correct, also.

14 DELEGATE JAMES: This would have to be a part of  
15 the General Code, and it would be administered on the State  
16 level, of course.

17 DELEGATE CLAGETT: That is correct.

18 DELEGATE JAMES: Any further questions?

19 Delegate Willoner.

20 Delegate Raley, have you finished?

21 DELEGATE RALEY: I am just confused.



1           You said it would be part of the statewide code.  
2       Nonetheless, it seems to me they can pass any local law  
3       they want in these fields, and these are tremendous fields,  
4       as you well know. It doesn't make any difference whether  
5       it in the local code or general law. It means --

6           DELEGATE JAMES: Are you asking a question,  
7       Delegate Raley?

8           DELEGATE RALEY: No.

9           DELEGATE JAMES: Delegate Willoner.

10          DELEGATE WILLONER: My question was along the  
11       same lines<sup>R</sup>, to Delegate Clagett.

12          Is it not true that the General Assembly could  
13       pass a law and make a Department of Wicomico River Affairs?  
14       There would be no limitation on what a local assembly  
15       could do. It wouldn't have to be administered Statewide,  
16       would it?

17          DELEGATE CLAGETT: It would not.

18          DELEGATE JAMES: Delegate Freedlander.

19          DELEGATE FREEDLANDER: May I direct a question  
20       to Delegate Gallagher, please?

21          DELEGATE JAMES: Will Delegate Gallagher yield?



1 DELEGATE GALLAGHER: Yes.

2 DELEGATE FREEDLANDER: In your opinion  
3 would the exceptions of natural environment and resources  
4 be substantive rather than style changes?

5 DELEGATE GALLAGHER: My personal opinion would  
6 be that the changes are substantive. At least, I would  
7 so evaluate them.

8 DELEGATE JAMES: Delegate Penniman.

9 DELEGATE PENNIMAN: The reason I call them to the  
10 attention of the group is precisely that we were unsure of  
11 their status. There had been the colloquies on the  
12 floor which called attention to this. The representatives  
13 who were concerned with the writing of the education sec-  
14 tion made clear to me, Delegate Lord, Delegate Maurer,  
15 Delegate Moser, Delegate Kirkland and others who were  
16 involved in the discussions, made clear to me that these  
17 were part of the discussions, and I have seen a transcript  
18 as a result of their efforts to produce a transcript, and  
19 so we were faced with this problem, Delegate Freedlander:  
20 We could have called attention to their absence and  
21 they could have been proposed on the floor, or we could



1 have put them there and called them to your attention.

2 In either case it is clear that there is cer-  
3 tain to be discussion on both of the items. I looked upon  
4 this function as one of merely calling it to the peoples'  
5 attention. I do not go beyond it, and I would have done  
6 so, whether I put it in or not.

7 I would have preferred Style's statements for  
8 them for proposed insertion if I did not put them in.  
9 I did not put them in as substantive changes, but to  
10 call them to your attention.

11 DELEGATE JAMES: Delegate Hanson.

12 DELEGATE HANSON: This question should be  
13 directed to either Delegate Penniman or Delegate Clagett.

14 Does the exception pertaining to multi-  
15 governmental county units pertain as well to those that  
16 might be created pursuant to the section on intergovernmental  
17 cooperation as well as those which might be created in the  
18 first instance by legislation under section 7.06?

19 DELEGATE JAMES: I don't know that Delegate  
20 Clagett heard the question or not.

21 Delegate Penniman, do you feel qualified to



1 answer that?

2 DELEGATE PENNIMAN: This is, I believe, a  
3 substantive question.

4 DELEGATE JAMES: Delegate Clagett, did you  
5 hear Delegate Hanson's question?

6 DELEGATE CLAGETT: I am afraid not.

7 DELEGATE JAMES: You were being diverted, so I  
8 will ask you to repeat the question, Delegate Hanson.

9 DELEGATE HANSON: My question is, does the ex-  
10 ception on page 9 pertaining to multicounty governmental  
11 units apply equally to those multicounty units which  
12 may have been created or might in the future be created  
13 under the intergovernmental cooperation section of Article  
14 VIII, as well as to those originally created under section  
15 7.06 of the Local Government Article?

16 DELEGATE CLAGETT: Yes.

17 DELEGATE JAMES: Delegate Clagett.

18 DELEGATE CLAGETT: The answer is yes.

19 DELEGATE JAMES: Any further questions of Dele-  
20 gate Penniman?

21 Delegate Carson.



1 DELEGATE CARSON: Chairman Penniman, the second  
2 sentence in this section, as I read it, and as I believe  
3 it was intended, permits the General Assembly to enact laws  
4 in the specified categories without respect to whether  
5 they are general or to whether they are local in nature;  
6 is that correct?

7 DELEGATE PENNIMAN: That is correct.

8 DELEGATE CARSON: So that the word "notwith-  
9 standing" in line 47 could be read to mean without the  
10 limitations proposed by this section, and that is what  
11 it really means?

12 DELEGATE PENNIMAN: That is correct.

13 DELEGATE JAMES: Delegate Penniman.

14 DELEGATE PENNIMAN: If you turn to the last  
15 page, it says that a special law shall not be enacted for  
16 any situation for which a general law is applicable.

17 This was, to the committee, an ambiguous situa-  
18 tion. Does that mean one where a law has been enacted, or  
19 a situation exists where one could be made applicable?

20 DELEGATE JAMES: Delegate Gallagher.

21 DELEGATE GALLAGHER: Delegate Penniman, I would



1 say -- it was the intention of the committee that this  
2 language would apply to those situations where there was  
3 existing law, not where there could be.

4 DELEGATE PENNIMAN: Thank you very much.

5 DELEGATE JAMES: Delegate Grant.

6 DELEGATE GRANT: I have a question of Delegate  
7 Penniman.

8 DELEGATE JAMES: Yes.

9 DELEGATE GRANT: In one of the earlier drafts  
10 in section 7.06, why did you take the numbering out?

11 DELEGATE PENNIMAN: We took it out because it  
12 wasn't very pretty, which may not be a very satisfactory  
13 answer.

14 We have followed the practice of not numbering  
15 if we could possibly avoid numbering within a paragraph,  
16 so this is quite literally the reason we took it out.

17 DELEGATE JAMES: Delegate Grant.

18 DELEGATE GRANT: I was going to suggest that  
19 since this indicates a number of exceptions for future  
20 constitutional use they may prefer to say exception number 7  
21 in this Article, in the authorization for a statute,



1 rather than having to repeat the language itself.

2 DELEGATE PENNIMAN: We have no objections to  
3 rethinking the problem.

4 DELEGATE JAMES: Delegate Sollins.

5 DELEGATE SOLLINS: I have some questions on other  
6 sections, if now is the appropriate time.

7 DELEGATE JAMES: Since we have been working with  
8 the final section, let us see if we can complete question-  
9 ing on that.

10 Delegate Gilchrist.

11 DELEGATE GILCHRIST: Delegate Penniman, referring  
12 to line 45 on page 8 in the sentence which says "No county  
13 shall be exempt from a public general law," does the  
14 committee not mean "exempted," to indicate future, because  
15 we have a great body of laws existing in which there are  
16 exemptions?

17 DELEGATE PENNIMAN: We certainly mean it to apply  
18 to the future. I think that is the meaning of the  
19 committee, but it came to us as "shall be exempt," and we  
20 did not -- perhaps I should not even have spoken to this.

21 We did not change the words that came to us



1 from the Committee on Local Government.

2 DELEGATE JAMES: Delegate Clagett.

3 DELEGATE CLAGETT: I think transitory provisions  
4 and a schedule will take care of the problem which you see  
5 here because after the transitory provisions have served  
6 their time, it is expected that the shared powers  
7 approach will then permit the counties to exercise whatever  
8 power may then have only been available to them by reason of  
9 an exemption or having been exempted.

10 Or otherwise, in the alternative, the General  
11 Assembly may have withdrawn the power and by general law  
12 acted in that field.

13 DELEGATE JAMES: Delegate Gilchrist.

14 DELEGATE GILCHRIST: This is what frightens me.

15 DELEGATE JAMES: Does Delegate Gilchrist  
16 have another question, or he is just musing to himself?

17 DELEGATE GILCHRIST: I have another question,  
18 Mr. Chairman. I have another question, which begins on  
19 line 34.

20 This says "The General Assembly shall have the  
21 powers to enact laws," and going over to page 9, beginning  
on line 8, "or empowering a county or counties,



1 subject to any standards that the General Assembly may  
2 provide by law, to exercise any power or perform any func-  
3 tion denied to other counties ...".

4 Would this be indicative that the standards had  
5 to be established prior to the law which they enact?

6 DELEGATE PENNIMAN: I refer that to Delegate  
7 Clagett.

8 DELEGATE JAMES: Delegate Clagett.

9 DELEGATE CLAGETT: The answer, Delegate Gil-  
10 chirst, is yes. This is the option procedure, where the  
11 power can be shared concurrently by the General Assembly  
12 and a local subdivision after withdrawal from the counties  
13 generally and then reenactment to permit the local unit,  
14 that is the county by its own enabling act, to affirmatively  
15 deal with the particular function or power in that county.

16 DELEGATE JAMES: Delegate Gilchrist.

17 DELEGATE GILCHRIST: That would also be after  
18 the enactment of standards by the General Assembly?

19 DELEGATE JAMES: Delegate Clagett.

20 DELEGATE CLAGETT: Yes, because the county would  
21 still have to act within the limitations of whatever



standards were set up by the General Assembly.

DELEGATE JAMES: Any further question on this section?

Delegate Needle.

DELEGATE NEEDLE: Delegate Penniman, as a member of the Local Government Committee I hesitate to ask this question, because you didn't change our language, but the first sentence in 4.23 is stated in the negative. I wonder what Style and Drafting considered when they failed to change it to "The General Assembly shall enact only public general laws," stating it in the affirmative rather than the negative?

DELEGATE PENNIMAN: I think it was our opinion that your committee had done wisely in stating it in the negative for emphasis, so we carried it over.

DELEGATE NEEDLE: So the General Assembly would not have any power to enact any public local laws?

DELEGATE PENNIMAN: Yes.

This is a major point that this Convention is seeking to make, and it seems that there was no other way to make it than to again to as you had, with "No."



1           Mr. Chairman, I have just had pointed out to me  
2           that on page 9 in line 9, the next to the last word, we have  
3           one more "provide", which I would like to change to  
4           "prescribe".

5           DELEGATE JAMES: If there is no objection, the  
6           language will be considered so modified.

7           There being no objection, the section will be  
8           modified.

9           If there are no further questions on section  
10          7.23 -- Delegate Sollins.

11          DELEGATE SOLLINS: Delegate Penniman, with regard  
12          to section 3.09, the sentence beginning on line 5, "The  
13          salary of a member shall not be increased during his term  
14          of office", that is a change from committee language, and  
15          what concerned me is whether it really carries out the in-  
16          tent of what the Legislative Committee meant.

17          I wonder if you would comment on that.

18          DELEGATE JAMES: Delegate Penniman.

19          DELEGATE PENNIMAN: I see Delegate Gallagher  
20          would like to comment.

21          DELEGATE JAMES: Delegate Gallagher.



1 DELEGATE GALLAGHER: There is an amendment  
2 coming in on Style which will more closely approximate  
3 the language that we intended and used.

4 DELEGATE PENNIMAN: We thought the original  
5 language was ambiguous. We changed it, and now I find you  
6 are not the only one who finds our language ambiguous.

7 DELEGATE JAMES: Delegate Sollins.

8 DELEGATE SOLLINS: In the section on vacancies,  
9 what you have done by putting a period at the end of line  
10 14, you have broadened the method by which the vacancies  
11 could be filled. The intent of the Legislative Committee  
12 was that they could be filled only by appointment; by the  
13 insertion of a period and the beginning of a new sentence  
14 on line 15 you opened that up.

15 DELEGATE JAMES: Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. President, again I  
17 think we have a style amendment which will meet that  
18 problem as well.

19 DELEGATE JAMES: Delegate Sollins.

20 DELEGATE SOLLINS: With respect to section 3.13  
21 -- I think this is a question for Delegate Gallagher.



1           If the General Assembly is not in session, how  
2 would the House of Delegates by itself be called into ses-  
3 sion for an impeachment proceeding?

4           DELEGATE JAMES: Delegate Gallagher.

5           DELEGATE GALLAGHER: I don't have the  
6 impeachment section of GP before me. It is silent.

7           DELEGATE JAMES: You would call it like any spe-  
8 cial session, wouldn't you?

9           DELEGATE GALLAGHER: Yes.

10           DELEGATE SOLLINS: That would call both houses  
11 in session. Should there be a method inserted on line 10  
12 where it says "The governor may on extraordinary occasions  
13 convene the Senate", by adding the words "or the House of  
14 Delegates"?

15           DELEGATE JAMES: Delegate Gallagher.

16           DELEGATE GALLAGHER: To be consistent I think  
17 that would be helpful. If you would ask for the amendment,  
18 I think it should be offered.

19           DELEGATE JAMES: The Chair might intervene here.  
20 I think it is a good suggestion. In the event something  
21 would happen to the Speaker of the House in an interim



1 period it might be very important to have a Speaker, be-  
2 cause the Speaker has definite interim functions which should  
3 be performed, and I think that is an excellent suggestion.

4 Delegate Sollins, are you going to submit that  
5 in the form of an amendment?

6 DELEGATE SOLLINS: Yes.

7 In section 3.22, the line beginning "The  
8 General Assembly shall prescribe by law a congressional  
9 redistricting plan or the commission plan."

10 DELEGATE JAMES: Before we reach that, I would  
11 like to get back to the addition of the language. I would  
12 like to have a formal adoption of that proposal.

13 Pinpoint the section and line for the purpose of  
14 getting a formal record vote on it.

15 DELEGATE SOLLINS: Mr. President, I will draw  
16 the appropriate amendment and have it submitted.

17 DELEGATE JAMES: All right.

18 Proceed to the next question.

19 DELEGATE SOLLINS: Now, with regard to section  
20 3.22, again the sentence beginning on line 28: "The  
21 General Assembly shall prescribe by law a congressional



1 redistricting plan or the commission plan.", and I ques-  
2 tion whether the General Assembly can prescribe by law  
3 the commission plan.

4 Would not the more appropriate language be  
5 "enact into law the commission plan"?

6 DELEGATE PENNIMAN: The originating committee  
7 felt it should be "enact". We think that is better.

8 Can that be amended without a formal amendment?  
9 Where we say "prescribe by law" --

10 DELEGATE JAMES: Line 29, page 8, section 3.22.  
11 The language "prescribe by law", your suggested change is  
12 what?

13 DELEGATE PENNIMAN: "shall enact a congres-  
14 sional redistricting plan or the commission plan."

15 DELEGATE JAMES: Is there any objection to the  
16 modification?

17 If there is no objection, the language  
18 prescribed by law" in line 29, section 3.22, shall be  
19 changed to "shall enact".

20 Delegate Marion.  
21



1 DELEGATE MARION: Mr. President, in somewhat  
2 the same vein as in section 3.06 -- and I would address  
3 the question both to Delegate Penniman and Chairman  
4 Gallagher, whether or not the same infirmity might be  
5 found in the use of the word "prescribed" in line 48.

6 As I understand the discussion of this section,  
7 it was clear that the 70-day time included passage by  
8 the General Assembly and sufficient time for the governor,  
9 which I think is 20 days, to veto it before it would be-  
10 come law without his veto.

11 And to use the language that "the General Assembly  
12 has not prescribed by law" might just indicate the in-  
13 action of the General Assembly instead of just the  
14 enactment of the law itself.

15 DELEGATE GALLAGHER: Delegate Penniman has  
16 accurately expressed our intention in the use of the 70 days.  
17 Senator James, you remember that. I think his suggestion  
18 would be helpful.

19 DELEGATE JAMES: The suggestion is that we return  
20 it to "has not been enacted"?

21 DELEGATE PENNIMAN: "has not been enacted."

DELEGATE JAMES: Section 3.05, line 48, page 2,



1 the word "prescribe" would be changed to "enacted".

2 DELEGATE PENNIMAN: Then we would have to remove  
3 the words "by law" later in the same sentence.

4 DELEGATE JAMES: Any objection to this change?

5 DELEGATE MARION: To make it absolutely clear  
6 it shouldn't speak of the General Assembly in the active  
7 voice, but should speak of the enactment of the plan in  
8 the passive voice, much as the Legislative Branch Committee  
9 had reported it.

10 DELEGATE JAMES: I don't propose to do anything  
11 about it at this moment, but I wonder if Chairman Gallagher  
12 might reflect on it and just consider it. Without making  
13 any formal change, possibly a formal amendment can be  
14 made on this point.

15 For what purpose does Delegate Beatrice Miller  
16 rise?

17 DELEGATE B. MILLER: A point of inquiry.

18 Does the redistricting procedure not require a  
19 governor's veto? Is it not subject to a governor's veto?

20 DELEGATE JAMES: Delegate Gallagher.

21 DELEGATE GALLAGHER: No. It is subject to the



1 governor's veto.

2 DELEGATE JAMES: Chairman Gallagher is having  
3 a bite to eat, so be easy on the questions until he has  
4 his lunch.

5 Delegate Marion.

6 DELEGATE MARION: One other question, if I might,  
7 for Delegate Penniman.

8 On page 3, section 3.07, line 17, we used "regis-  
9 tered" instead of "qualified". My recollection is that we  
10 had done it the other way around, and it should read  
11 "qualified voter" in this instance.

12 DELEGATE PENNIMAN: This is one of those items  
13 that we did very early, before we had made the uniform  
14 rule to use "qualified". So if you will, we will return  
15 "registered voter" to the original language of "qualified  
16 voter". It is section 3.07, page 3, line 17.

17 DELEGATE JAMES: If there is no objection, the  
18 word "registered" on line 17, section 3.07, will be changed  
19 to "qualified".

20 Are there any additional questions?

21 Delegate Beatrice Miller.



1 DELEGATE B. MILLER: In section 3.12, line 38  
2 -- "any committees or subcommittees" -- I don't believe the  
3 "s" should be on either word.

4 DELEGATE PENNIMAN: I rather think it should be  
5 there, including the proceedings of any committees or  
6 any subcommittees. It could be removed, I guess.

7 DELEGATE JAMES: Any further questions?

8 Delegate Case.

9 DELEGATE CASE: Delegate Penniman, on page 9,  
10 line 2, the exceptionthere says "pertaining to public  
11 education". Article VIII, which deals with this subject,  
12 deals with the subject "education," breaks the matter down  
13 into public education and higher education.

14 Am I correct in understanding that this excep-  
15 tion would run to higher education as well as public edu-  
16 cation as there defined?

17 DELEGATE PENNIMAN: These were the words sug-  
18 gested, I believe, by the people supporting, or the people  
19 who wrote that section 8, or Article VIII, and I guess I  
20 would prefer to ask Delegate Maurer or Delegate Lord, if he  
21 is here, to reply to your question, Delegate Case.



1 DELEGATE JAMES: Delegate Maurer.

2 DELEGATE MAURER: I don't see Delegate Lord.

3 I think he would be the appropriate person.

4 Most of the laws dealing with higher education are  
5 by their very nature public general laws, but it would also  
6 seem that the section on higher education, 8.04, means  
7 public higher education and not private higher education;  
8 and therefore, public education would refer to both sections,  
9 and perhaps it would be better if we titled the second  
10 section under the education article as public higher  
11 education.

12 DELEGATE JAMES: Delegate Case.

13 DELEGATE CASE: I think, Mr. President, the  
14 point has merit, because now higher education includes  
15 community colleges. I wasn't thinking so much of the Uni-  
16 versity of Maryland. Here you might want a special com-  
17 munity college located in one location of the State. I  
18 think that Delegate Maurer's suggestion would be appropriate  
19 if it would meet Delegate Penniman's approval.

20 DELEGATE JAMES: Delegate Penniman.

21 DELEGATE PENNIMAN: I have no objection to it.



1 DELEGATE JAMES: Will there be an amendment  
2 proposed to affect this clarification?

3 DELEGATE PENNIMAN: This would come when we get  
4 to the section or article on education, and perhaps I  
5 could insert it as I made the report.

6 DELEGATE JAMES: Thank you, Delegate Penniman.  
7 Delegate Case.

8 DELEGATE CASE: That would be perfectly satis-  
9 factory. That would be the way to handle it; just insert  
10 the word in the title.

11 DELEGATE JAMES: Delegate Beachley.

12 DELEGATE BEACHLEY: Mr. Chairman, I would just  
13 like to ask Dr. Penniman a question.

14 Maybe I did not hear correctly, but on page 9,  
15 section 3.22, line 29, when he changed that to "enact,"  
16 did you include the word "either" -- "either a congressional  
17 redistricting or ..." -- the word "either"?

18 DELEGATE PENNIMAN: I did not put the word in.

19 DELEGATE BEACHLEY: It was in the language  
20 down below.

21 DELEGATE PENNIMAN: I don't think it is necessary,



1 but I won't object to it.

2 DELEGATE JAMES: Does any other delegate have  
3 questions of Delegate Penniman?

4 If not, we will proceed with the next order.

5 As I understand the order of business, we take  
6 each section as to style.

7 The Chair is advised that any amendments offered  
8 have to be germane to the style amendments.

9 Section 3.01.

10 Delegate Gallagher.

11 DELEGATE GALLAGHER: There are a fair number of  
12 style amendments which are in the mill and will be out  
13 which I will offer on behalf of the committee. They are  
14 not here at the moment.

15 DELEGATE JAMES: There will be no objection to  
16 coming back to the particular sections involved.

17 In the meantime we can go through it section by  
18 section, with the understanding that we will come back  
19 for the committee amendments as to style.

20 Section 3.01?

21 The Chair hears no amendments.



1           Section 3.02? Section 3.03? Section 3.04?  
2           Section 3.05? Section 3.06? Section 3.07? Section  
3           3.08? Section 3.09?

4           Delegate Clark.

5           DELEGATE CLARK: Mr. President, I have a  
6           question in reference to section 3.09 for Chairman Gallagher,  
7           if he would yield. It hasn't got anything to do with  
8           style.

9           As you know, Chairman Gallagher, I have had a  
10          few misgivings about allowing the General Assembly to set  
11          their salary, and what I want to know, in your opinion would  
12          any law raising the salary of the members of the General  
13          Assembly be subject to the referendum provisions under  
14          this Constitution?

15          DELEGATE GALLAGHER: My answer would be that  
16          any separate bill raising the salary of the members of the  
17          General Assembly would be subject to referendum.

18          DELEGATE JAMES: Delegate Clark.

19          DELEGATE CLARK: In your opinion, could they raise  
20          their salaries by anything other than a separate bill?

21          DELEGATE GALLAGHER: I don't claim to be an



1 expert, but I would suppose that by budget amendment --

2 DELEGATE JAMES: You can't enact legislation in  
3 a budget; but I don't want to answer the question for you.

4 DELEGATE GALLAGHER: In the absence of doing it  
5 in a budget, I don't see how it could otherwise be done  
6 without being subject to referendum.

7 DELEGATE CLARK: I am very happy with that  
8 answer, and it makes me feel a little better.

9 DELEGATE JAMES: That is the intention of the  
10 committee.

11 DELEGATE GALLAGHER: That is right.

12 DELEGATE JAMES: Section 3.10? Section 3.11?  
13 Section 3.12? Section 3.13? Section 3.14? Section 3.15?  
14 Section 3.16? Section 3.17? Section 3.18? Section 3.19?  
15 Section 3.20? Section 3.21? Section 3.22? Section 3.23?

16 The Chair recognizes Delegate Carson.

17 DELEGATE CARSON: Mr.Chairman, we have an  
18 amendment to section 3.23 which is being typed at this time  
19 and printed, and has, I believe, 16 or 17 sponsors. It is  
20 one of style.

21 May it be possible to delay that until it can



1 be printed and in front of everyone?

2 DELEGATE JAMES: Delegate Gallagher.

3 DELEGATE GALLAGHER: May I say insofar as sec-  
4 tion 3.23 is concerned, I would intend to yield to Chair-  
5 man Moser on all the sentences in this particular section  
6 that originated in 7.06, because I do feel that this is a  
7 Local Government problem, and it has been transferred; and  
8 I would rather not speak on behalf of his committee on  
9 matters which it originally considered in the past.

10 DELEGATE JAMES: Delegate Moser.

11 DELEGATE MOSER: I simply wanted to thank Dele-  
12 gate Gallagher for his generosity.

13 DELEGATE JAMES: He is a very courteous gentleman.  
14 Delegate Grant.

15 DELEGATE GRANT: I have an amendment which is  
16 being prepared. It is one of style. It would simply insert  
17 numbers before all the exceptions. It would be internal  
18 numbering within the paragraphs, as I mentioned to Delegate  
19 Penniman when he was making his presentation.

20 DELEGATE JAMES: Very well.

21 Now we can't go on to matters of substance



1 until we have available the committee amendments and the  
2 various amendments on style, so I will have to declare a  
3 pause for a moment.

4 Would Delegate Powers come to the rostrum?  
5 Would Delegate Powers approach the rostrum?

6 The Chair has in mind maybe a five minute re-  
7 cess until these amendments come in, but I just want to  
8 check with Delegate Powers.

9 The Chair is going to suggest that we not take  
10 a formal recess, but that we simply just suspend business  
11 for ten minutes, until the amendments are available. We  
12 will ring the quorum bell when we are ready to go to work  
13 again.

14 (Whereupon, the proceedings were suspended for  
15 ten minutes.)  
16  
17  
18  
19  
20  
21



1 THE PRESIDENT: The Convention will please come  
2 to order.

3 Roll call. Has every delegate answered the  
4 roll call? The clerk will record the roll call.

5 I am afraid we are losing time we can ill afford  
6 to lose. Some of the amendments are still not back yet. I  
7 think we can take care of some of them, at least, without  
8 waiting for the actual printed amendment.

9 There seems to be some confusion as to exactly  
10 where we are. I propose again to ask for style amendments  
11 beginning with Section 3.01. Are there style amendments  
12 to Section 3.01? The Chair hears none.

13 Any as to Section 3.02? Any as to 3.03? 3.04?  
14 3.05? 3.06? 3.07? Delegate Gallagher.

15 DELEGATE GALLAGHER: Mr. President, in 3.07, on  
16 page 3, we have already taken care of one change on line 17  
17 by striking out "registered" and inserting "qualified".  
18 The other amendment which I propose would be this -- on  
19 line 24, page 3, the last word on the line "for", and the  
20 two words on the next line "Senate districts" would be  
21 eliminated, so that the sentence would read, "If any



1     redistricting plan has been adopted within one year  
2     before a general election for the General Assembly, a  
3     candidate for the office of Senator or Delegate may also  
4     seek election in any new Senate district containing fifty  
5     percent or more of the population of the Senate district in  
6     which he resided prior to redistricting."

7             The elimination of the three words "for Senate  
8     districts" would allow for those situations where you kept  
9     the same Senate district but you actually realigned the  
10    House districts within the single Senate district, and I  
11    think we would want these three words eliminated.

12            THE PRESIDENT: Is the amendment being printed?

13            DELEGATE GALLAGHER: It is, sir.

14            THE PRESIDENT: Is there any objection to  
15    considering, notwithstanding the fact that it is not  
16    printed, an amendment to Section 3.07 to strike from  
17    lines 24 and 25 the words "for Seante districts"? If  
18    there is no objection, this will be Amendment No. 1 by  
19    Delegate Gallagher, in Section 3.07 strike from lines 24  
20    and 25 the words "for Senate districts" -- lines 24 and 25  
21    on page 3.



1           Are there any questions of the committee  
2 chairman? Any discussion? Are you ready for the question?

3           The question arises on the adoption of Amendment  
4 No. 1 to strike from lines 24 and 25 on page 3 the words  
5 "for Senate districts". A vote aye is a vote in favor of  
6 the amendment; a vote no is a vote against. Cast your  
7 votes.

8           (Whereupon, a roll call vote was taken.)

9           THE PRESIDENT: Has every delegate voted? Does  
10 any delegate desire to change his vote? The clerk will  
11 record the vote.

12           There being 101 votes in the affirmative and  
13 none in the negative, the motion is carried. The amendment  
14 is adopted.

15           Are there any other amendments to Section 3.07?  
16 Any amendments as to style to section 3.08? The Chair  
17 hears none.

18           Are there any amendments as to style to  
19 section 3.09? Any as to 3.10? 3.11? 3.12? Delegate  
20 Gallagher.

21           DELEGATE GALLAGHER: Mr. President, in section 3.12



1 on line 37, after the first word in the sentence "in", I  
2 would move to add the words "any of" so that the sentence  
3 would therefore read, "Words used by a member of the  
4 General Assembly in any of its proceedings, including  
5 the proceedings of any committees and subcommittees, shall  
6 be absolutely privileged."

7 We want to make certain that there is full  
8 inclusion of all proceedings, and we suggest this addition  
9 of this language to make it clear.

10 THE PRESIDENT: Is there any objection to  
11 considering the amendment notwithstanding the fact that  
12 it is not printed, to add after the word "in" in line 37  
13 on page 4 the words "any of"? The Chair hears none.

14 This will be Amendment No. 2 by Delegate  
15 Gallagher. Is there a second?

16 (The motion was duly seconded.)

17 THE PRESIDENT: The amendment having been  
18 seconded, is there any further discussion? Any questions  
19 of the committee chairman? Are you ready for the question?

20 The question arises on the adoption of Amendment  
21 No. 2. A vote aye is a vote in favor of the amendment; a



1 vote no is a vote against. Cast your votes.

2 (Whereupon, a roll call vote was taken.)

3 THE PRESIDENT: Have all delegates voted? Does  
4 any delegate desire to change his vote? The clerk will  
5 record the vote.

6 There being 102 votes in the affirmative and none  
7 in the negative, the motion is carried. The amendment is  
8 adopted.

9 Are there any further amendments to Section 3.12?  
10 The Chair hears none.

11 Any amendments to Section 3.13? The Chair hears  
12 none.

13 Any as to Section 3.14? Delegate Gallagher.

14 DELEGATE GALLAGHER: Mr. President, in Section  
15 3.14, on line 25 at the end of the line I would move to  
16 add the words "and subcommittees" and on line 31 after the  
17 word "committees" in the middle of the line also add the  
18 words "and subcommittees". This would confer upon --

19 THE PRESIDENT: Give me that again, please.

20 DELEGATE GALLAGHER: Line 25, at the end of the  
21 line, after the word "committees", add the two words



1 "and subcommittees", and on line 31 after the word  
2 "committees" add the words "and subcommittees".

3 This would confer upon subcommittees the same  
4 privileges which we confer upon committees of the General  
5 Assembly with respect to meeting between sessions and  
6 with respect to the production of records and papers.

7 THE PRESIDENT: Is there any objection to  
8 considering as an amendment to Section 3.14 in line 25  
9 on page 5 after the word "committees" add the words "and  
10 subcommittees" and in line 31 on page 5 after the word  
11 "committees" add the words "and subcommittees"?

12 With no objection, this will be Amendment 3.  
13 Are there any questions of the committee chairman? Any  
14 discussion? Are you ready for the question?

15 The question arises upon the adoption of Amendment  
16 No. 3. A vote aye is a vote for the amendment; a vote no  
17 is a vote against. Cast your vote.

18 (Whereupon, a roll call vote was taken.)

19 THE PRESIDENT: Have all delegates voted? Does  
20 any delegate desire to change his vote? The clerk will  
21 record the vote.



1           There being 100 votes in the affirmative and  
2 one in the negative, the motion is carried. The amendment  
3 is adopted.

4           Are there any other amendments to Section 3.14?  
5 The Chair hears none.

6           Any amendments to Section 3.15? The Chair hears  
7 none.

8           Any amendments to Section 3.16? The Chair  
9 hears none. Any to 3.17? Delegate Case.

10          DELEGATE CASE: Mr. Chairman, I had an amendment  
11 to 3.16 -- I would have to ask you to rule whether it is  
12 style or substance.

13          THE PRESIDENT: Has it been printed?

14          DELEGATE CASE: It is being printed.

15          THE PRESIDENT: Very well, state the amendment,  
16 then.

17          DELEGATE CASE: In line 8, after the last word  
18 in that line --

19          THE PRESIDENT: Page what?

20          DELEGATE CASE: Page 6, Section 3.16 --

21          THE PRESIDENT: I have it.



1 DELEGATE CASE: Line 8, after the word "except"  
2 add the words "the budget law and all".

3 The purpose of this amendment --

4 THE PRESIDENT: Wait just a second.

5 Is there any objection to considering, notwith-  
6 standing the fact it is not printed, the amendment to  
7 Section 3.16 to add, after the word "except" in line 8, the  
8 words "the budget law and all"? The Chair hears no  
9 objection.

10 The amendment is submitted by Delegate Case. Is  
11 there a second?

12 (The motion was duly seconded.)

13 THE PRESIDENT: The amendment being seconded,  
14 the Chair recognizes Delegate Case.

15 DELEGATE CASE: Mr. President and members of  
16 the Convention, this is purely a stylistic amendment, in  
17 my judgment, which will provide or make clear, rather, that  
18 the budget law, as well as supplementary appropriation  
19 laws, can embrace more than one subject.

20 We all know that as a matter of practice this is  
21 the case. The budget law embraces a great number of



1 subjects, literally hundreds, maybe even thousands.

2 As the Constitution is now devised, the section  
3 on taxation and finance probably would cover this, but to  
4 make it perfectly clear that the budget law, and prior to  
5 that the budget bill, can contain more than one subject,  
6 these words are added.

7 Of course it follows, naturally, that a  
8 supplemental appropriation law which is already in here  
9 should contain more than one subject. I think this is  
10 merely, as I said earlier, a stylistic amendment, Mr.  
11 President, and I urge its passage.

12 THE PRESIDENT: Are there any questions of the  
13 sponsor of the amendment? Delegate Betty Miller.

14 DELEGATE B. MILLER: By checking the present  
15 Constitution, I don't find that there is any exception  
16 under the section which requires that all bills embrace  
17 but one subject. Perhaps I have missed it. Can Delegate  
18 Case tell me where I can find it?

19 THE PRESIDENT: Delegate Case.

20 DELEGATE CASE: No, Delegate Miller, you didn't  
21 miss it. This is historical more than good constitutional



1 draftsmanship. The section which requires every bill to  
2 contain one subject is a very old section that actually  
3 went into the Constitution probably certainly at least as  
4 early as 1867. The budget bill, as you know, was first  
5 enacted in 1960, and at the time the budget amendment was  
6 enacted, the General Assembly in enacting it did not amend  
7 the older section, and it has been the practice and custom  
8 that the budget bill can, as it must, contain these myriads  
9 of subjects, and that is the reason.

10 Now that we are doing the job de novo, so to  
11 speak, it seems like a good idea to put the whole thing in so  
12 it is symmetrical.

13 THE PRESIDENT: Delegate Gallagher.

14 DELEGATE GALLAGHER: Mr. President, I would like  
15 to say that Mr. Case' amendment is now available in  
16 printed form. It has the letter "T" as in Thomas at the  
17 top.

18 THE PRESIDENT: Will the pages please distribute  
19 Amendment "T" - "T" for tear. Amendment "T" will be  
20 Amendment No. 4.

21 Delegate Case, this embraces something more than



1 what you indicated. I take it that you nevertheless offer  
2 the entire amendment.

3 DELEGATE CASE: Yes, sir.

4 THE CHAIRMAN: All right, pages distribute  
5 Amendment T. This will be Amendment No. 4. The clerk  
6 will read the amendment.

7 MR. QUILLEN: Amendment No. 4 to Committee  
8 Recommendation No. LB-1, LB-2, LB-3, as amended by Report  
9 No. S&D-16, by Delegate Case.

10 On page 6 Section 3.16 Form of Laws in line 8  
11 after the word "except" add the words "the budget law and";  
12 and in line 11 strike out the word "All" and  
13 insert in lieu thereof the words: "The budget law and  
14 all";

15 and in line 12 after the words "subject of" add  
16 the words "budget and".

17 THE PRESIDENT: The amendment is submitted by  
18 Delegate Case. Is there a second?

19 (The motion was duly seconded.)

20 THE PRESIDENT: The amendment having been  
21 seconded -- Delegate Hostetter?



1 DELEGATE HOSTETTER: Personal privilege, sir.

2 THE PRESIDENT: State the privilege.

3 DELEGATE HOSTETTER: Mr. President and members  
4 of the Convention, at precisely this moment in time, three  
5 p.m. 21 years ago with 364 days added to that, the youngest  
6 member of the Constitutional Convention was born. I would  
7 like you and the entire convention to join me in wishing  
8 Delegate John Hutchinson a happy birthday. He will be 22  
9 tomorrow. (Applause.)

10 THE PRESIDENT: Is there any other discussion  
11 with respect to Amendment 4? Are you ready for the  
12 question?

13 The question arises on the adoption of Amendment  
14 No. 4. A vote aye is a vote in favor of the amendment;  
15 a vote no is a vote against. Cast your vote.

16 (Whereupon, a roll call vote was taken.)

17 THE PRESIDENT: Have all delegates voted? Does  
18 any delegate desire to change his vote? The clerk will  
19 record the vote,

20 There being 112 votes in the affirmative and  
21 none in the negative, the motion is carried. The amendment



1 is adopted.

2 The pages will please distribute Amendment P,  
3 for Paul, and Q for Queen.

4 Amendment P is Amendment No. 2, on which you  
5 have already acted. Amendment Q is Amendment 3 on which  
6 you have already acted.

7 Are there any other amendments to Section 3.15?  
8 The Chair hears none. Any amendments to Section 3.16?  
9 Delegate Gallagher, do you have any amendments to Section  
10 3.16?

11 DELEGATE GALLAGHER: Mr. President, I have none  
12 to Section 3.16, but I do have one for 3.15.

13 THE PRESIDENT: I think that is the one we just  
14 acted on, isn't it?

15 DELEGATE GALLAGHER: The one prior to that  
16 Amendment R, Mr. President -- as in railroad, if I may use  
17 the term.

18 THE PRESIDENT: What section?

19 DELEGATE GALLAGHER: Quorum, page 5, section 3.15.

20 THE PRESIDENT: Pages please distribute Amendment  
21 R -- "R" for railroad.



1           This will be Amendment No. 5.   The Clerk  
2       wi ll read the amendment.

3           MR. QUILLEN:  Amendment No. 5 to Committee  
4       Recommendation No. LB-1, LB-2, LB-3 as amended by Report  
5       No. S&D-16, by Delegate Gallagher.

6           On page 5 Section 3.15 Quorum in line 43 strike  
7       out the word "each" and insert in lieu thereof the letter  
8       "A";

9           and in line 45 after the word "business" insert  
10      the words "in that house".

11          THE PRESIDENT:  The amendment is submitted by  
12      Delegate Gallagher.  Is there a second?

13          The amendment is seconded by Delegate Bennett.  
14      The Chair recognizes Delegate Gallagher.

15          DELEGATE GALLAGHER:  The purpose of this  
16      amendment is to make it clear that we don't intend that  
17      a majority of the members of both houses shall constitute  
18      a quorum but that we are talking about each house and in  
19      that particular house, so that the section will read, "The  
20      majority of all members of a house shall constitute a  
21      quorum for the transaction of business in that house."



1           THE PRESIDENT: Are there any questions of the  
2 committee chairman? Is there any discussion? Does everyone  
3 have a copy of the amendment R?

4           Delegate Kiefer?

5           DELEGATE KIEFER: Mr. President, so that we don't  
6 really get behind here, will you state which numbers refer  
7 to which letters so we will be correct, please?

8           THE PRESIDENT: We have not yet received the  
9 printed copy for Amendment 1. Amendment 2 is "P" for Paul.  
10 Amendment 3 is "Q" for queen. Amendment 4 is "T" for tear.  
11 Amendment 5 is "R" for railroad.

12           Do all delegates have copies of all the amend-  
13 ments, now? Is there any further discussion of Amendment  
14 No. 5? Are you ready for the question?

15           The question arises on the adoption of Amendment  
16 No. 5. A vote aye is a vote in favor of the amendment;  
17 a vote no is a vote against. Cast your votes.

18           (Whereupon, a roll call vote was taken.)

19           THE PRESIDENT: Has every delegate voted? Does  
20 any delegate desire to change his vote? The clerk will  
21 record the vote.



1           There being 113 votes in the affirmative and  
2 two in the negative, the motion is carried. The amendment  
3 is adopted.

4           Are there any other amendments to Section 3.15,  
5 3.16 or 3.17? The Chair hears none.

6           Are there any amendments to Section 3.18? The  
7 Chair hears none.

8           Are there any amendments to Section 3.19? Any  
9 to 3.20? Any to 3.21? 3.22? 3.23? Delegate Carson.

10          DELEGATE CARSON: Mr. Chairman, I and other  
11 sponsors ~~desire to offer at~~ this time the amendment marked  
12 "U".

13          THE PRESIDENT: Delegate Carson, the Chair does  
14 not think the amendment is an amendment of style pertaining  
15 to the style amendments proposed by the Committee on Style.  
16 It will afford you the opportunity to present the amendment  
17 at the proper time.

18          DELEGATE CARSON: Mr. Chairman, I do not desire  
19 to debate ~~with~~ the chair. It was intended solely as one of  
20 style, and at the presentation by Chairman Penniman he  
21 indicated to me on a direct question that the word



1 "notwithstanding" on line 47 meant "without", and I think  
2 therefore that it is an amendment of style, though I will  
3 not appeal the ruling of the chair.

4 THE PRESIDENT: The basis for the Chair's ruling  
5 was that your amendment omits the words "the General  
6 Assembly shall have the power", and while it might be  
7 debatable, I think this perhaps goes a little further than  
8 pure style. It does not affect your right to offer the  
9 amendment, and I will afford you the right to offer it at  
10 the proper time.

11 Are there any other amendments to Section 3.23?  
12 Delegate Gallagher.

13 DELEGATE GALLAGHER: Mr. President, I have no  
14 further amendments, and I don't think there are further  
15 style amendments to 3.23. If there are not, I should like  
16 to revert to 3.09, Amendment N, as in nobody, Mr. President.

17 THE PRESIDENT: Delegate Gallagher, this may be  
18 style or it may not -- I don't know that it is. I would  
19 be inclined to rule that it is not style and notwithstanding  
20 the adoption, if it is adopted, of the amendment of the  
21 committee to permit you the opportunity of offering the



1 amendment at a later time.

2 Delegate Gallagher.

3 DELEGATE GALLAGHER: Mr. President, that being  
4 the case, I should like to move to 3.10 and offer  
5 Amendment "O".

6 THE PRESIDENT: This is also a little trouble-  
7 some. I take it the purpose of the amendment, though, is  
8 merely to make the language conform to what was the  
9 intent previously stated.

10 DELEGATE GALLAGHER: Yes, Mr. President.

11 THE PRESIDENT: On that basis, the Chair will  
12 allow the amendment.

13 Will the pages please distribute Amendment "O" --  
14 "O" for oboe. This will be Amendment 6. The clerk will  
15 read the amendment.

16 MR. QUILLEN: Amendment No. 6 to Committee  
17 Recommendation No. LB-1, LB-2, LB-3, as amended by Report  
18 No. S&D-16, by Delegate Gallagher.

19 On page 4 Section 3.10 Vacancies strike out all  
20 of lines 15 through 18, inclusive, and insert in lieu thereof  
21 the following words:



1           "A person chosen to fill a vacancy, when  
2       succeeding a party member, shall be a member of the same  
3       political party as his predecessor. The person chosen  
4       shall serve only until".

5           THE PRESIDENT: The amendment is submitted by  
6       Delegate Gallagher. Is there a second? Delegate Bennett  
7       seconds.

8           The Chair recognizes Delegate Gallagher.

9           DELEGATE GALLAGHER: The purpose of this parti-  
10      cular amendment is to clarify the original intention of  
11      the Committee. I think the interrogation by Delegate  
12      Sollins to Chairman Penniman indicated there was some  
13      vagueness about the language as it stood in the revised  
14      draft here. We do not want to delimit the General Assembly  
15      in its prescribing by law to an appointment process if it  
16      desired to go another route. Consequently, we have used  
17      the words "A person chosen to fill a vacancy" rather than  
18      "An appointee".

19           The next object which we sought was to determine  
20      that when one was a member of a political party and he was  
21      to be succeeded that the man succeeding him was a member



1 of the same party. If you had a person who was declined,  
2 you would not necessarily want to require that the person  
3 filling the vacancy should also be designated declined  
4 as well.

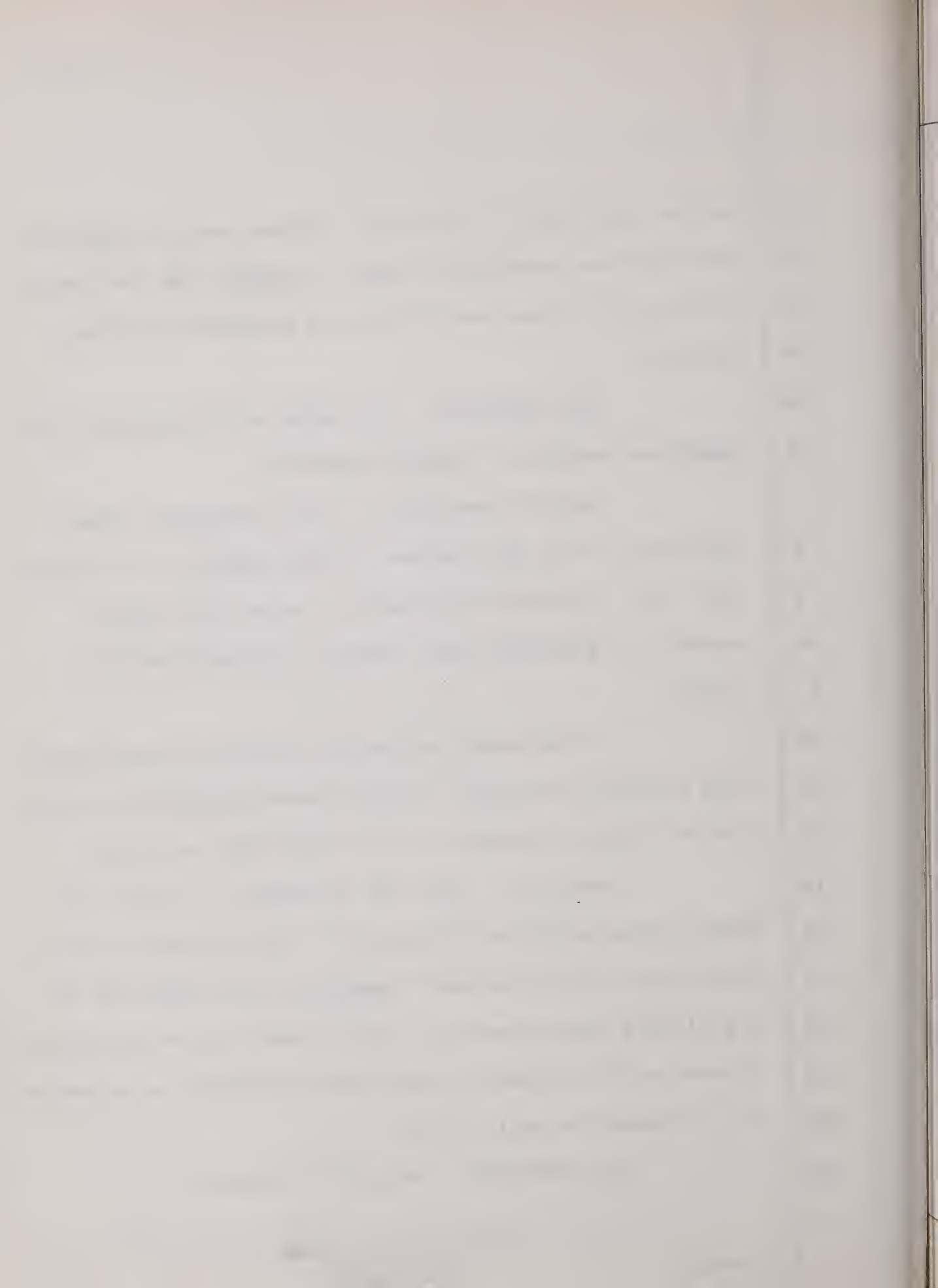
5 THE PRESIDENT: Are there any questions of the  
6 committee chairman? Delegate Burdette.

7 DELEGATE BURDETTE: I think perhaps I should  
8 point out, or ask the chairman of the committee to comment,  
9 that this is certainly designed to allow the General  
10 Assembly to prescribe ways wherein a vacancy could be  
11 filled.

12 In the event the General Assembly should decide  
13 upon a special election, it would seem undoubtedly correct  
14 that the whole remainder of the term should be filled.

15 Question: does this preclude it, or has this  
16 been considered by the committee? I think those of us on  
17 Style felt that by the word "appointee" the Committee on  
18 Legislative Branch had meant there should be an appointment.  
19 As soon as it is open for the General Assembly to determine  
20 it, it opens the whole field.

21 THE PRESIDENT: Delegate Gallagher.



1           DELEGATE GALLAGHER: I believe we have somewhat  
2 precluded an election because we have indicated lower in  
3 section 3.10 that the person chosen shall serve only until  
4 the next general election held at least ninety days after  
5 the vacancy occurs.

6           THE PRESIDENT: Delegate Burdette.

7           DELEGATE BURDETTE: You do mean to preclude  
8 elections?

9           DELEGATE GALLAGHER: Yes.

10          THE PRESIDENT: Are there further questions?  
11 Delegate Ritter.

12          DELEGATE RITTER: What would happen if a member of  
13 one party was holding the office and was defeated by a  
14 member of the other party, yet did not assume the office but  
15 died between the day of election and the day of swearing in?  
16 Would this go back then to his predecessor being of the  
17 other party?

18          THE PRESIDENT: Delegate Gallagher.

19          DELEGATE GALLAGHER: It is my recollection that  
20 the matter is covered by statute. I think the State Central  
21 Committee moves in at this point.



1 I understand it would be the State Central  
2 Committee of the nominee or the electee, as the case may  
3 be.

4 THE PRESIDENT: Delegate Ritter, a further  
5 question?

6 DELEGATE RITTER: You are not a member until  
7 you are sworn in and your predecessor would be the man  
8 who held the office prior.

9 DELEGATE GALLAGHER: I would believe that the  
10 language "a person chosen" would take care of that problem;  
11 even though he might not have actually qualified, he  
12 would have been chosen.

13 THE PRESIDENT: Are there any further questions?  
14 Delegate Marion.

15 DELEGATE MARION: A question of Chairman  
16 Gallagher. Did I understand, in answer to Delegate  
17 Burdette's question, that you said your intention was  
18 to in effect preclude the General Assembly from providing  
19 by law for filling vacancies by special elections? As  
20 I understood the amendment, it was to open the language  
21 a little wider so that it was not limited to appointment,



1 necessarily, if the General Assembly wished to do other-  
2 wise.

3 THE PRESIDENT: Delegate Gallagher.

4 DELEGATE GALLAGHER: The Committee on the  
5 Legislative Branch had considered the idea of requiring  
6 a special election and had eliminated it as a constitutional  
7 requirement. However, I would presume that when we allow  
8 the General Assembly to determine the method that the  
9 methodology could possibly include an election, although  
10 we did not want to specifically call for it in this  
11 constitution.

12 THE PRESIDENT: Are there any further questions?  
13 Delegate Burdette.

14 DELEGATE BURDETTE: Now we are exactly back where  
15 I was speaking before, because if this does permit an  
16 election, as seems to me to be the case, just as you have  
17 said, then it would seem perfectly evident that the  
18 General Assembly should not be required to limit that  
19 election to a part of the full term as it does in the  
20 sentences not here being amended but toward the end of  
21 Section 3.10.



1 THE PRESIDENT: Delegate Gallagher.

2 DELEGATE GALLAGHER: The Committee never discussed  
3 that possibility, as you will remember. I would say that  
4 the second part would still be applicable, regardless.

5 DELEGATE BURDETTE: Which would mean under the  
6 language that there would need to be two elections. If  
7 there were a special election arrangement in effect right  
8 now to fill a full term, two elections would be necessary,  
9 while that seems most extraordinary and would in fact, as  
10 I thought you were saying a short time ago, preclude the  
11 General Assembly from having a special election, because  
12 why would you have a special election between now and '68?

13 THE PRESIDENT: Delegate Gallagher.

14 DELEGATE GALLAGHER: I would believe as a  
15 practical matter the General Assembly would not go the  
16 election route in the first instance because of the double  
17 expense, but we don't want to foreclose the possibility if  
18 it wanted to make that determination.

19 THE PRESIDENT: Delegate Burdette.

20 DELEGATE BURDETTE: Perhaps we can do nothing  
21 here. I simply felt that if it did go by the route of a



1 special election as of now, the seat should be filled  
2 until 1970 and not until just 1968.

3 THE PRESIDENT: Delegate Gallagher.

4 DELEGATE GALLAGHER: A gain this is a matter I  
5 would leave to legislative determination. The question of  
6 expense would certainly be a factor which it would consider,  
7 and it would seem to me --

8 DELEGATE BURDETTE: You can't leave it to the  
9 discretion in this language since if they provided an  
10 election there would have to be another election in '68.  
11 An election called today under this language would run  
12 only until the middle of the term.

13 THE PRESIDENT: Delegate Gallagher.

14 DELEGATE GALLAGHER: Well, again I say by  
15 letting the General Assembly pick the choice of how it  
16 wants to fill it, it will have to use its discretion and  
17 its own wisdom in determining whether or not it ought to  
18 go the election route, but again I say it is up to the  
19 General Assembly.

20 THE PRESIDENT: Are there any further questions  
21 of the committee chairman? Delegate Betty Miller.



1 DELEGATE B. MILLER: I think that the Committee  
2 on Style changed this because we were under the impression  
3 that the General Assembly was to only fill it by appoint-  
4 ment, and therefore you provided that the appointee should  
5 be of the same party as the predecessor.

6 If you adopt the language, Chairman Gallagher,  
7 that you are proposing, will there only be an election in  
8 the one party, since you say "a person chosen to fill a  
9 vacancy when succeeding a party member"? If he is chosen  
10 by election, he would then only be elected in one party.

11 THE CHAIRMAN: That apparently would be the  
12 effect of the language. Delegate Gallagher, is that the  
13 intention?

14 DELEGATE GALLAGHER: Mr. President, I would  
15 agree that that would be the effect of the language --  
16 that is not what we want. May I have one second, Mr.  
17 President?

18 THE PRESIDENT: Yes.

19 DELEGATE GALLAGHER: I think, Mr. President, if  
20 we did return to the use of the word "appointee", so that  
21 we would say, rather than "a person chosen", "appointee to



1 fill a vacancy when succeeding a party member shall be a  
2 member of the same political party as his predecessor. The  
3 appointee shall serve only until".

4 THE PRESIDENT: Is there any objection to  
5 modifying the amendment in the manner suggested to strike  
6 from line 5 of the amendment the words "a person" -- did  
7 you strike "chosen", also?

8 DELEGATE GALLAGHER: Yes.

9 THE PRESIDENT: Strike "A person chosen" and  
10 insert the words "appointee" -- I assume you would add "an"?

11 DELEGATE GALLAGHER: Yes.

12 THE PRESIDENT: "An appointee", and in line 8  
13 strike the words "person chosen" and insert the word  
14 "appointee". Is there any objection to considering the  
15 amendment so modified? Delegate Scanlan.

16 DELEGATE SCANLAN: I would like to question  
17 Delegate Gallagher in view of the statement Delegate Miller  
18 made, which I don't think is in conformity with the  
19 understanding of the Legislative Committee.

20 THE PRESIDENT: Does this go to the question of  
21 modification?



1 DELEGATE SCANLAN: Yes.

2 THE PRESIDENT: Very well.

3 DELEGATE SCANLAN: As I understand our language  
4 originally, we wanted to give the General Assembly a free  
5 hand so if they wanted to have a special election they  
6 could, but in the event they followed the appointment  
7 route, the language we originally proposed there would  
8 govern that, is that correct?

9 DELEGATE GALLAGHER: That is correct.

10 THE PRESIDENT: Delegate Scanlan.

11 DELEGATE SCANLAN: Delegate Miller said that  
12 the Committee on Style was under the impression -- and if  
13 they were, it was an erroneous one -- that we meant to  
14 preclude the General Assembly from permitting a special  
15 election to fill a vacancy. Certainly we never intended  
16 that; in fact, we meant to permit it.

17 DELEGATE GALLAGHER: That is my recollection.  
18 We specifically considered constitutionally requiring an  
19 election, and we decided not to do that. I think your  
20 recollection of what the general intention was is correct.

21 THE PRESIDENT: Delegate Ritter, do you object



1 to the modification?

2 DELEGATE RITTER: No.

3 THE PRESIDENT: Is there any objection to the  
4 modification? If not, the amendment is modified by striking  
5 the words "a person chosen" in line 5 and inserting the  
6 words "an appointee", and striking the words "person  
7 chosen" in line 8 and inserting the word "appointee".

8 Delegate Ritter?

9 DELEGATE RITTER: I would like to see if Delegate  
10 Gallagher would accept a further amendment to his amendment.

11 THE PRESIDENT: State the amendment.

12 DELEGATE RITTER: In line 7, "his predecessor",  
13 strike those words and add "the person last elected to that  
14 office".

15 THE PRESIDENT: Delegate Gallagher, did you hear  
16 the suggestion?

17 DELEGATE GALLAGHER: Might I ask Delegate  
18 Ritter why he would prefer this language?

19 THE PRESIDENT: Delegate Ritter.

20 DELEGATE RITTER: I feel that there is a period  
21 of time between the election and the time that the delegates



1 are sworn in that somebody might die and he might have  
2 been one of a previous political party, therefore they might  
3 go back to the predecessor, which might be of the opposite  
4 party than the one that was elected.

5 THE PRESIDENT: Delegate Gallagher, his point is -  
6 I am not sure whether you caught it -- that there might be  
7 a person elected who would die before qualifying and hence  
8 would not be the predecessor.

9 DELEGATE GALLAGHER: Well, Mr. President,  
10 I think that that would be the effect of what we would  
11 want. We would want the person last elected, even if he  
12 didn't qualify, so I don't object to the language, to  
13 substitute "the person last elected" for "his predecessor".

14 THE PRESIDENT: I don't think you can just leave  
15 it hanging there, can you, just to say "the person last  
16 elected"?

17 DELEGATE GALLAGHER: "To the office".

18 THE PRESIDENT: Is there any objection to further  
19 modifying the amendment by in line 7 striking the words  
20 "his predecessor" and inserting the words "last elected  
21 to the office"?



1           The Chair hears none. The amendment is so modi-  
2 fied.

3           Delegate Rybczynski.

4           DELEGATE RYBCZYNSKI: I don't think that was  
5 complete. The words to be substituted are "the person  
6 last elected to that office".

7           THE PRESIDENT: Thank you.

8           Is there any objection to the modification in  
9 line 7 to strike "his predecessor" and insert "the person  
10 last elected to that office"?

11          With no objection, the amendment is so modified.

12          As now modified, the amendment reads "An appointee  
13 to fill a vacancy, when succeeding a party member, shall be a  
14 member of the same political party as the person last  
15 elected to that office. The appointee shall serve only  
16 until".

17          Is there any further discussion?

18          Delegate Burdette.

19          DELEGATE BURDETTE: I should just like to make  
20 a bit of legislative history in endorsing this to say that  
21 I now understand it, and I think we did in the Committee on



1     Style or at least most of us that the General Assembly  
2     can prescribe any method it desires by law to fill a  
3     vacancy, but if it does provide the appointment route than  
4     the provisions with respect to the appointment apply.

5             THE PRESIDENT:     Delegate Gallagher.

6             DELEGATE GALLAGHER:     Mr. President, I agree.  
7     It was laborious history, and I thank the Committee and  
8     the House for bearing with us.

9             THE PRESIDENT:     Is there any further discussion?  
10            Delegate Boyles.

11            DELEGATE BOYLES:     I have a question of the  
12     Chair, sir.

13            Does this present any problem if the person who  
14     has died is not a member of any political party?

15            THE PRESIDENT:     I am not sure I understood your  
16     question.

17            DELEGATE BOYLES:     It is not necessary to be  
18     a member of a political party.     What does the governor do  
19     where the man was not a member of any political party?

20            THE PRESIDENT:     The restriction does not apply.  
21     The sentence is "an appointee to fill a vacancy when



1 succeeding a party member." If he is not succeeding a  
2 party member this sentence is not applicable.

3 Is that the proper interpretation, Delegate  
4 Gallagher?

5 DELEGATE GALLAGHER: Yes, sir.

6 THE PRESIDENT: Is there any further discussion?

7 Are you ready for the question? The question  
8 arises now on the adoption of Amendment No. 6. A vote  
9 aye is a vote in favor of the amendment. A vote no is  
10 a vote against.

11 Cast your votes.

12 (Whereupon, a roll call vote was taken.)

13 THE PRESIDENT: Has every delegate voted?

14 Does any delegate desire to change his vote?

15 The Clerk will record the vote.

16 There being 100 votes in the affirmative and  
17 none in the negative, the motion is carried, the amendment  
18 is adopted.

19 Are there any further style amendments?

20 Delegate Clagett?

21 DELEGATE CLAGETT: With respect to Section 3.23,



1 a point of information.

2 In reading the language as presented to us by  
3 Style, beginning at line 39 --

4 THE PRESIDENT: Delegate Clagett, may the Chair  
5 interrupt you?

6 DELEGATE CLAGETT: Yes, sir.

7 THE PRESIDENT: There are a number of questions  
8 which will be presented with respect to Section 3.23. The  
9 Chair is advised of amendments which will be offered which  
10 will provoke considerable debate. If we consider Section  
11 3.23 today we will be here certainly through tonight and  
12 then either tomorrow or Monday.

13 The Chair proposes to suggest that Section 3.23  
14 be separated from the article and be made a matter of special  
15 business for next Tuesday.

16 In connection therewith and because some of the  
17 delegates feel that at least one of the questions with  
18 respect to Section 3.23 has a direct bearing on Item 7(b)  
19 in the agenda, which is Committee Recommendation GP-6 dealing  
20 with education, the Chair would be disposed to recommend also  
21 that that item go over until Tuesday so that it would follow



1 consideration of Section 3.23.

2 With that understanding, maybe we could have  
3 you save your comment with respect to that section until  
4 Tuesday.

5 DELEGATE CLAGETT: Yes, Mr. President. I want  
6 to be sure, however, that I reserve the point which is  
7 that I believe that the Committee on Style has given us a  
8 different article than that which was originally that of  
9 the Committee.

10 THE PRESIDENT: This is part of the problem  
11 involved in the section, and I think the entire section  
12 should go over for further consideration.

13 Delegate Boileau.

14 DELEGATE BOILEAU: I expect I rise on a point  
15 of electronic problems. I believe my switch has  
16 shorted out, and if you will check the last vote I think  
17 you will find I voted both yes and no.

18 THE PRESIDENT: The Clerk tells me, Delegate  
19 Boileau, that you are only partly correct. The short  
20 circuit was in the light but not in the recording mechanism.  
21 You are recorded as voting aye even though you had both the



1 green and red light showing.

2 DELEGATE BOILEAU: After the next vote may I  
3 also check again to see if my switch is working?

4 THE PRESIDENT: You may announce your vote  
5 orally, yes.

6 Are there any other amendments as to style  
7 with respect to Section 3.23?

8 Delegate Grant?

9 DELEGATE GRANT: Mr. President, I have one --

10 THE PRESIDENT: I am sorry, I didn't mean  
11 3.23, I mean the Committee Recommendation LB-1 and LB-2.

12 DELEGATE GRANT: I had one amendment with respect  
13 to Section 3.23 that is merely a style amendment that  
14 inserts numbers before the seven different subsections.

15 THE PRESIDENT: I would like to hold over every-  
16 thing in connection with 3.23 until Tuesday.

17 Delegate Gallagher.

18 DELEGATE GALLAGHER: I would like to call for  
19 Amendment W which amends Section 3.22 to go back to the  
20 original committee language.

21 THE PRESIDENT: Well, you don't have to have



1 an amendment to do that.

2 DELEGATE GALLAGHER: It is already printed.  
3 It would not read beginning on line 28, "The General  
4 Assembly shall enact either the commission plan or a  
5 congressional redistricting plan of its own".

6 THE PRESIDENT: Very well. We can do it  
7 simply by voting against the committee recommendation, but  
8 since the amendment is printed you might as well go ahead.

9 Will the Pages please distribute Amendment W?

10 This is going to be confusing -- no, don't  
11 distribute W, please.

12 Just simply call for a separate vote on Section  
13 3.22. Otherwise it will be very confusing.

14 Delegate Burdette.

15 DELEGATE BURDETTE: I wondered if the Chairman  
16 of the Committee would consider in that matter the word  
17 "enact" in the original. I have no objection to his  
18 motion whatever, but the word "enact" has been used by the  
19 Committee on Style to mean action only by the General  
20 Assembly, but it leaves vagueness in terms. I am a little  
21 uncertain as to whether or not it means enact by law, or the



1 General Assembly by law.

2 THE PRESIDENT: Delegate Gallagher.

3 DELEGATE GALLAGHER: What I would prefer to do  
4 would be when we reach 3.22 on the seriatum consideration  
5 they will decide it, and I will talk to you about it.

6 DELEGATE BURDETTE: All right.

7 THE PRESIDENT: Are there any further amendments  
8 as to style?

9 The Chair has also previously announced to a  
10 number of delegates, all that it could find who were leaders  
11 on both sides of the dispute as to single member districts,  
12 that for the same reasons it would be desirable to have the  
13 consideration of these sections also made a special order of  
14 business Tuesday.

15 In addition to the reasons given, we are, I am  
16 very much afraid, running very close to a flu epidemic --  
17 we are having more and more delegates come down with a  
18 sudden sore throat and fever. They appear to be scheduled  
19 for recovery by Tuesday.

20 I think it is highly desirable that on these  
21 issues where the vote is likely to be close that we do it



1 at a stated hour when as nearly as possible all delegates  
2 would be here, as otherwise we will simply have reconsider-  
3 ations.

4 The Chair therefore at this time recognizes  
5 Delegate Powers for the purpose of moving that consideration  
6 of Sections 3.03, 3.04, and 3.23 be separated from the  
7 Committee Recommendation LB-1, 2 and 3 and made a special  
8 order of business for next Tuesday.

9 Delegate Powers.

10 DELEGATE POWERS: Mr. President, I believe  
11 that rather than a motion it is a request -- the request may  
12 be granted at the discretion of the Chair -- therefore  
13 I request that Sections 3.03 and 3.04 of the Committee  
14 Recommendation S&D-16 dealing with LB-1 on the subject  
15 of composition of the General Assembly and legislative  
16 districts, be divided so that these two sections may be  
17 considered separately from the remainder of the report.

18 THE PRESIDENT: The Chair rules that it is  
19 divisible. They will be separated.

20 Did you cover also 3.23?

21 DELEGATE POWERS: No, I did not.



1 THE PRESIDENT: Very well.

2 DELEGATE POWERS: Now, Mr. President, I further  
3 request that Section 3.23 of the Committee Recommendation  
4 S&D-16, General Application of Laws, be divided so that  
5 this section may be considered separately from the remainder  
6 of the report.

7 THE PRESIDENT: The Chair rules that the section  
8 is divisible.

9 DELEGATE POWERS: I now move, Mr. President,  
10 that Sections 3.03 and 3.04, as previously referred to, and  
11 Section 3.23, be made a special order for Tuesday,  
12 January 2, immediately following the matters that have  
13 previously been made a special order for 2:00 p.m. on  
14 that date.

15 THE PRESIDENT: Is there a second?

16 (Whereupon, the motion was duly seconded.)

17 THE PRESIDENT: Delegate Johnson.

18 DELEGATE JOHNSON: Mr. President, there is a  
19 technical problem that has been created in the Suffrage  
20 and Election article that has a bearing at least on  
21 Section 3.06 of the legislative article.



1 I won't take the time of the convention to go into  
2 detail at this particular time, because Delegate Koss,  
3 Chairman Koss is going to try to work out the problem,  
4 and it is a possibility that it could be resolved, but  
5 inasmuch as Section 3.06 is affected by this problem that  
6 may or may not be able to be worked out by the Suffrage  
7 and Elections Committee, I am wondering if it wouldn't be  
8 best to also make Section 3.06 -- assuming you do not have  
9 many other amendments to that section -- a special order  
10 of business, too, rather than amend it now, until we see  
11 what Suffrage and Elections can do to resolve the problem.

12 I could state the problem briefly, I think.

13 THE PRESIDENT: Indicate briefly what it is,  
14 please.

15 DELEGATE JOHNSON: Well, it develops in  
16 Suffrage and Elections because the way it stands now,  
17 Mr. President, an individual could register in any house  
18 district of a county and move to some other house district  
19 in that county, but legally maintain his voting registration  
20 and his right to vote in the former county -- that is, the  
21 original county.



1           THE PRESIDENT:     Delegate Johnson, if I may  
2 interrupt you, the Chair is familiar with that amendment.  
3 Delegate Koss has spoken to me about it, and I have  
4 suggested to her that she prepare the amendment by Tuesday.  
5 It can be moved for reconsideration of that article by  
6 the Committee on Style, and I think could be acted upon on  
7 Tuesday.

8           I think the same thing could be done if an  
9 amendment becomes necessary in connection with it to 3.06  
10 without postponing consideration of 3.06.

11           Delegate Kosakowski.

12           DELEGATE KOSAKOWSKI:     I rise on a point of  
13 personal privilege.

14           THE PRESIDENT:     State the privilege.

15           DELEGATE KOSAKOWSKI:     Mr. President, as  
16 announced by you, apparently Tuesday is going to be a very  
17 important day.     I am wondering whether you are going to  
18 issue any boxing gloves to the members and whether Tuesday,  
19 January 2, could be designated as pugilistic day.

20           THE PRESIDENT:     Well, I have assumed, Delegate  
21 Kosakowski, that all delegates who have not already done so



1 will have made their New Year's resolutions before next  
2 Tuesday and they will include a resolution for love and  
3 sweetness for all.

4 Delegate Powers.

5 DELEGATE POWERS: In the same context, we might  
6 as well dispose of the remaining matter that was mentioned,  
7 and that is GP-6 on education. I therefore move --

8 THE PRESIDENT: Just a second. I think think  
9 I have taken a vote on the other question yet.

10 The question arises on the motion to make  
11 Sections 3.03, 3.04 and 3.23 special order for the session  
12 on Tuesday immediately following consideration of the other  
13 special order.

14 Is there any further discussion? Are you ready  
15 for the question? All in favor signify by saying aye.

16 Contrary, no.

17 The ayes have it, it is so ordered.

18 Delegate Powers.

19 DELEGATE POWERS: I move that Committee Report  
20 S&D-12 dealing with Committee Recommendation GP-6 on  
21 education be made a special order for Tuesday, January 2,



1 immediately following the other matters which have previously  
2 been made a special order for that day.

3 THE PRESIDENT: Second?

4 (Whereupon, the motion was duly seconded.)

5 THE PRESIDENT: Any discussion?

6 Are you ready for the question?

7 The question arises on the motion to make  
8 Committee Recommendation S&D-12, covering Committee Recommend-  
9 ation GP-6, a special order for Tuesday, January 2, 1968,  
10 immediately following the previous special order.

11 All in favor signify by saying aye. Contrary,  
12 no. The ayes have it, it is so ordered.

13 Now, are there any other style amendments with  
14 respect to any sections of the Committee Recommendation  
15 LB-1, LB-2 and LB-3 other than Sections 3.03, 3.04, and  
16 3.23?

17 The Chair hears none.

18 The question arises on the adoption on second  
19 reading of Committee Recommendation LB-1, LB-2 and LB-3,  
20 as amended, with the exception of Sections 3.03, 3.04 and  
21 3.23.



1 I incorrectly stated the motion.

2 The question arises on the adoption of the  
3 recommendations of the Committee on Style with respect to  
4 amendments to Committee Recommendation LB-1, LB-2 and  
5 LB-3, except with respect to Sections 3.03, 3.04 and 3.23.

6 Are you ready for the question? A vote aye is a  
7 vote in favor of the adoption of the Committee Recommendations  
8 to the extent indicated. A vote no is a vote against.

9 Cast your vote.

10 (Whereupon, a roll call vote was taken.)

11 THE PRESIDENT: Have all delegates voted?

12 Does any delegate desire to change his vote?

13 The Clerk will record the vote.

14 There being 108 votes in the affirmative and  
15 none in the negative, the motion is carried. The committee  
16 recommendations as to amendments to Committee Recommendations  
17 LB-1, LB-2 and LB-3, other than Sections 3.03, 3.04 and 3.23,  
18 are adopted.

19 Committee Recommendation LB-1 is now open to  
20 amendment. Are there any amendments as to Section 3.01?

21 The Chair hears none.



1 Are there any amendments as to Section 3.02?

2 The Chair hears none.

3 Are there any amendments as to Section 3.05?

4 Delegate Winslow.

5 DELEGATE WINSLOW: May I ask a question about  
6 Section 3.02?

7 THE PRESIDENT: Certainly.

8 DELEGATE WINSLOW: As 3.02 reads, the capital  
9 of the state and the meeting place of the General Assembly  
10 shall be at Annapolis. This seems to me to be a bald  
11 statement which would allow the meeting place of the General  
12 Assembly to be shifted no place else for any occasion,  
13 and since we have become aware, some of us, that Annapolis  
14 is a very good place for someone to get the foot-in-mouth  
15 disease, it might be wise, it seems to me, to have some  
16 escape hatch from this bald statement.

17 I want to ask whether the provision in the last  
18 section in S&D-17, which is concerned with the continuity  
19 of government during emergencies, would take care of this  
20 situation?

21 THE PRESIDENT: What section are you speaking



1 to, Delegate Winslow?

2 DELEGATE WINSLOW: The last one marked Article 1,  
3 Declaration of Rights, Section blank, Continuity of Govern-  
4 ment.

5 THE PRESIDENT: I have it.

6 Delegate Gallagher, do you understand the  
7 question?

8 DELEGATE GALLAGHER: I do, Mr. President.

9 It was the intention of the Committee on the  
10 Legislative Branch that the language which is now in  
11 S&D-17, which was originally in LB-3, would cover that kind  
12 of a situation, that you could transfer the meeting place  
13 of the General Assembly to another place under the appro-  
14 priate provisions of the law as suggested.

15 THE PRESIDENT: Any further question, Delegate  
16 Winslow?

17 Delegate Raley.

18 DELEGATE RALEY: Mr. President, in following  
19 along what Delegate Winslow said about the state capital,  
20 I have been having a good deal of problem with that, too.  
21 Some of my constituents down in St. Marys City have been very



1 disturbed over this being in the constitution, and were won-  
2 dering why we couldn't have taken it out so that the capital  
3 could have been returned to its original place.

4 THE PRESIDENT: Delegate Gallagher.

5 DELEGATE GALLAGHER: May I suggest a single  
6 member capital for St. Marys County.

7 THE PRESIDENT: Any amendment to Section 3.05?  
8 We have Amendment S.

9 Delegate Gallagher.

10 DELEGATE GALLATHER: Yes, Mr. President, I would  
11 like to offer Amendment S, please.

12 THE PRESIDENT: Which of the two obvious words  
13 do you choose?

14 The pages will distribute Amendment S -- sweet  
15 and sour. This will be Amendment No. 7. The clerk will  
16 read the amendment.

17 MR. QUILLEN: Amendment No. 7 to Committee  
18 Recommendation No. LB-1, LB-2, LB-3 as amended by Report  
19 No. S&D-16 by Delegate Gallagher.

20 On page 2 Section 3.05 Redistricting Commission  
21 in line 38 after the period add this new sentence:



1 "Any vacancy on the Commission shall be filled  
2 by the appointing authority. The Commission shall adopt  
3 redistricting plans only by a majority vote of all its  
4 members."

5 THE PRESIDENT: The amendment is submitted by  
6 Delegate Gallagher. Is there a second?

7 (The motion was duly seconded.)

8 THE PRESIDENT: The amendment is seconded. The  
9 Chair recognizes Delegate Gallagher.

10 DELEGATE GALLAGHER: Mr. President and ladies  
11 and gentlemen, Section 3.05 did not provide for the filling  
12 of a vacancy on the redistricting commission. Consequently  
13 we have deemed it appropriate to add a provision that when  
14 there is a vacancy it shall be filled by the same appointing  
15 authority which appointed the vacated seat.

16 Secondly, we did not provide by what vote  
17 redistricting plans should be adopted by the redistricting  
18 commission. We felt it highly desirable that we provide  
19 that the redistricting plans should be provided only by a  
20 majority vote of all the members so you wouldn't have plural  
21 plans.



1 THE PRESIDENT: Are there any questions of the  
2 sponsor of the amendment? Any further discussion? Are  
3 you ready for the question?

4 The question arises on the adoption of  
5 Amendment No. 7. A vote aye is a vote in favor of the  
6 amendment; a vote no is a vote against. Cast your votes.

7 (Whereupon, a roll call vote was taken.)

8 THE PRESIDENT: Have all delegates voted? Does  
9 any delegate desire to change his vote? The clerk will  
10 record the vote.

11 There being 96 votes in the affirmative and  
12 none in the negative, the motion is carried. The amendment  
13 is adopted.

14 Are there any other amendments with respect to  
15 section 3.05? Are there any amendments with respect to  
16 section 3.06? Delegate Gallagher.

17 DELEGATE GALLAGHER: Mr. President, before you  
18 leave Section 3.05, last night in considering the  
19 executive branch sections when we got to the question of  
20 how to designate the presiding officers, I believe it was  
21 ultimately determined to use President of the Senate. I



1 would assume that for the purpose of uniformity we would  
2 want to do the same thing -- rather than use presiding  
3 officer, if it be the ultimate determination that we name  
4 the office, we would want to use President of the Senate  
5 and Speaker of the House.

6 That would be on line 33 on page 2, section 3.05.

7 THE PRESIDENT: Let the Chair ask this question  
8 of both you and Deligate Penniman, because it occurred to  
9 me last evening. I do not see any compelling reason why,  
10 if for sufficient reasons in the article on the legislative  
11 branch it is desirable to designate the President of the  
12 Senate by that term, why there would be any reason to change  
13 the term Presiding Officer when the term is used to refer  
14 to that office in two different houses where the title is  
15 different.

16 Why could we not leave the words "Presiding  
17 Officer" in this article even though "President of the  
18 Senate" is used when we refer to gubernatorial succession?

19 DELEGATE GALLAGHER: I just wanted to point out  
20 if you wanted to try to get absolute uniformity --

21 THE PRESIDENT: Does it create any problem?



1 DELEGATE GALLAGHER: Not as far as I can see,  
2 no, sir.

3 THE PRESIDENT: Delegate Penniman?

4 DELEGATE PENNIMAN: It is not in that section  
5 that there was any concern. The concern was on page 5  
6 where it speaks about calling special sessions, and it says  
7 "the presiding officer of the Senate and the presiding  
8 officer of the House of Delegates." It was in this  
9 connection that I understood from the members of the  
10 Committee on Legislative Branch that they did not want to  
11 speak of the Speaker or of the President of the Senate on  
12 the ground that this will be naming them in the Constitution  
13 and they wanted to leave that freedom to the Legislative  
14 Branch itself, or to the General Assembly. It was that  
15 particular section, not 3.05.

16 THE PRESIDENT: Well, even though that is much  
17 closer, there would still be no compelling reason why you  
18 would have to change in section 3.13, would there, Delegate  
19 Penniman?

20 DELEGATE PENNIMAN: No, I don't suppose so. We  
21 were doing it because of the members of the committee who



1 were also on the Committee on the Legislative Branch who  
2 felt that this had been a decision, and we felt that it  
3 ought not be made by us but brought to the floor.

4 I have no objection whatever to naming the  
5 Speaker --

6 THE PRESIDENT: I mean the converse. There is no  
7 compelling reason why you could not leave it as "presiding  
8 officer" in section 3.13 even though you use the term  
9 "President of the Senate" in referring to gubernatorial  
10 succession.

11 DELEGATE PENNIMAN: That is correct.

12 THE PRESIDENT: Delegate Burdette, do you have  
13 any comment on the colloquy?

14 DELEGATE BURDETTE: No, Mr. President. The  
15 arrangement is agreeable with me.

16 THE PRESIDENT: Very well.

17 Are there any other amendments to 3.05 or 3.06?  
18 Delegate Gallagher.

19 DELEGATE GALLAGHER: Mr. President, I should  
20 like to submit an amendment marked "V" as in victory.

21 THE PRESIDENT: The pages will please distribute



1 Amendment V, for victory. The amendment is No. 8. The  
2 clerk will read the amendment.

3 MR. QUILLEN: Amendment No. 8 to Committee  
4 Recommendation No. LB-1, LB-2, LB-3 as amended by Report  
5 No. S&D-16, by Delegate Gallagher.

6 On page 2 Section 3.06 Legislative Redistricting  
7 Procedure strike out all of lines 47 and 48 and insert in  
8 lieu thereof the following words:

9 "other plan has not been provided by law within  
10 seventy".

11 THE PRESIDENT: The amendment is submitted by  
12 Delegate Gallagher. Is there a second?

13 (The amendment was duly seconded.)

14 THE PRESIDENT: The amendment having been  
15 seconded, the Chair recognizes Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. President, and ladies  
17 and gentlemen, I would ask that the amendment include as  
18 the first word "any", so that it would read, "any other  
19 plan".

20 THE PRESIDENT: Is there any objection to  
21 modifying the amendment by inserting the word "any" in



1 front of the word "other" in line 5? The Chair hears  
2 none. The amendment will be considered as so modified.

3 Delegate Gallagher.

4 DELEGATE GALLAGHER: The reason this amendment  
5 is offered is that as the language was returned from the  
6 Style Committee it provides that if the General Assembly  
7 has not prescribed a redistricting plan by law within  
8 seventy days after the transmission of the plan, and it  
9 had really been the intention of the Committee on the  
10 Legislative Branch that not only should the General Assembly  
11 have acted within the seventy days, but of course the  
12 Governor would have either signed the law or vetoed it,  
13 and there would have been consideration of the Governor's  
14 veto.

15 Therefore, in order to make it perfectly clear  
16 that we intend by the use of the seventy-day period that  
17 the law shall have been actually enacted by both the action  
18 of the General Assembly and by the Governor, we would  
19 prefer to use the language suggested in the amendment, so  
20 that it would read, "If any other plan has not been  
21 provided by law within seventy days after the transmission of



1 the commission plan".

2 THE PRESIDENT: Delegate Gallagher, again just  
3 as a matter of legislative history, I take it that that  
4 means that if the legislature passes a bill say sixty-five  
5 days before and the Governor fails to sign it until after  
6 seventy days, it does not qualify under this section?

7 DELEGATE GALLAGHER: You are correct, Mr.  
8 President.

9 THE PRESIDENT: Is there any further discussion?  
10 Do you have a further question, Delegate Gallagher?

11 DELEGATE GALLAGHER: Mr. President, it has been  
12 suggested that the word "provided" would be better dropped  
13 and the word "prescribed" should be substituted therefor.  
14 I think that probably is an improvement, and I would like  
15 to offer it.

16 THE PRESIDENT: In the amendment, you mean?

17 DELEGATE GALLAGHER: In the amendment, yes,  
18 sir.

19 THE PRESIDENT: Is there any objection to con-  
20 sidering the amendment further modified on line 5 to strike  
21 "provided" and insert "prescribed"? The Chair hears



1 none.

2 Delegate Neilson.

3 DELEGATE NEILSON: Mr. Chairman, I was about to  
4 make the same point.

5 THE PRESIDENT: I am sorry -- I cut you off because  
6 Delegate Gallagher was half up and half down, and I wasn't  
7 sure what he wanted.

8 Is there any further discussion? Are you ready  
9 for the question?

10 The question arises on the adoption of Amendment  
11 No. 8. A vote aye is a vote in favor of the amendment;  
12 a vote no is a vote against. Cast your vote.

13 (Whereupon, a roll call vote was taken.)

14 THE PRESIDENT: Has every delegate voted? Does  
15 any delegate desire to change his vote? The clerk will  
16 record the vote.

17 There being 90 votes in the affirmative and none  
18 in the negative, the motion is carried. The amendment is  
19 adopted.

20 May the Chair divert a moment to make a request?  
21 I have noticed not merely today, as a matter of fact more



1 particularly in the past few days, a number of delegates  
2 taking pictures during the session.

3 May I request all of the delegates who do this,  
4 and any of the others who can, if they would be kind enough  
5 to make several duplicates and send them in to either my  
6 office or the President's office so that we can include  
7 them among the documents turned over to the Hall of Records.  
8 These are the kind of informal snapshots that might be very  
9 interesting in the future documents.

10 Are there any further amendments to section 3.06?  
11 Section 3.07?

12 Delegate Gallagher, do you desire to offer your  
13 Amendment X?

14 DELEGATE GALLAGHER: Mr. President, I would be  
15 delighted to consider it. I don't have it before me.

16 THE PRESIDENT: It deals with senate districts  
17 and I thought we had that.

18 DELEGATE GALLAGHER: That was Amendment No. 1,  
19 which should be distributed and marked Amendment 1, Mr.  
20 President.

21 THE PRESIDENT: Yes, thank you very much. Pages



1 will please distribute Amendment X. It is Amendment 1.

2 Are there any other amendments to 3.07? 3.08?

3 While checking a few of the amendments, let me  
4 take a moment to make another announcement. As indicated  
5 yesterday, the commissions are here --all with the exception  
6 of two, I am sorry to say, Delegate Agnes Smith and Delegate  
7 Ritter, which cannot be delivered to you today because they  
8 lack the Governor's signature, and he is not available.  
9 They will be ready for you I understand Tuesday. All other  
10 commissions are here, framed. Some of you have seen them.  
11 We did not put them on the desks for fear that they  
12 would be knocked to the floor and broken. If you will  
13 just remain in your seats for a few moments just prior to  
14 adjournment, the pages will bring you your certificate  
15 and you can take it with you.

16 Are there any other amendments to Section 3.08?  
17 3.09? Delegate Gallagher.

18 DELEGATE GALLAGHER: Mr. President, I would like  
19 to offer Amendment N, as in nobody.

20 THE PRESIDENT: Pages will please distribute  
21 Amendment N, for nobody. This will be Amendment No. 9.



1 The clerk will read the amendment.

2 MR. QUILLEN: Amendment No. 9 to Committee  
3 Recommendation No. LB-1, LB-2, LB-3, as amended by Report  
4 No. S&D-16, by Delegate Gallagher.

5 On page 4 Section 3.09 Compensation of Legis-  
6 lators in line 5 after the period strike out the remainder  
7 of this line and all of lines 6 and 7 and insert in lieu  
8 thereof the following words:

9 "A salary increase enacted during one term  
10 shall not become effective before the next term. No  
11 Senator".

12 THE PRESIDENT: The amendment is submitted by  
13 Delegate Gallagher. Is there a second?

14 (The motion was duly seconded.)

15 THE PRESIDENT: The Chair recognizes Delegate  
16 Gallagher.

17 DELEGATE GALLAGHER: Mr. President, ladies  
18 and gentlemen, this amendment is offered to substitute for  
19 the sentence in section 3.09 which reads, "The salary of  
20 a member shall not be increased during his term of office",  
21 because it would appear from that language that no act could



1 be passed during the term of office of a member of the  
2 General Assembly increasing his salary.

3 The intention of the committee would be better  
4 served and explained by the language proposed in the amend-  
5 ment which would read "a salary increase enacted during  
6 one term shall not become effective before the next term."  
7 This would make it perfectly clear that a salary increase  
8 could be passed, but simply that it would not be effective  
9 until the following term.

10 I think it more accurately sets forth the position  
11 of the committee.

12 THE PRESIDENT: Are there any questions of  
13 the sponsor of the amendment? Any discussion?

14 Delegate Hardwicke.

15 DELEGATE HARDWICKE: Delegate Gallagher, in  
16 the provisions with respect to legislative transitional  
17 matters there is presently a plan to put in the salary  
18 amount, I understand.

19 Now, could there not be a salary increase  
20 enacted during the current term, if you use this  
21 particular language, which then could not become effective



1 before the next term?

2 DELEGATE GALLAGHER: We certainly don't  
3 contemplate that this constitutional language would be  
4 read so as to be disallowed by Section 3.09. It is our  
5 intention that the transition legislation would bring  
6 about an increase to eight thousand dollars for the present  
7 members of the General Assembly and could commence paying  
8 it July 1, 1968. I think that is specifically set forth  
9 in the language.

10 THE PRESIDENT: Delegate Hardwicke.

11 DELEGATE HARDWICKE: It seems to me that this  
12 has a particular problem that you didn't have before  
13 because this language "during one term" may foreclose  
14 our making a legislative type exception, which is what the  
15 schedule of legislation does.

16 THE PRESIDENT: Delegate Gallagher.

17 DELEGATE GALLAGHER: I think we had gotten  
18 around that by providing in the transition legislation  
19 or schedule that the increase shall be effective on  
20 July 1, 1968, which it seems to me has to be considered  
21 to be an exception to 3.09 as it appears in this language



1 we have before us.

2 If there is any problem there, I think the thing  
3 to do is to clarify the transition legislation rather than  
4 try to change this particular constitutional section.

5 THE PRESIDENT: If the Chair may interrupt,  
6 Delegate Hardwicke's difficulty, I am sure, is that the  
7 compensation provision for members of the General Assembly  
8 is in the schedule of legislation, not in the schedule of  
9 transitional provisions, and I think the matter can be  
10 handled by a clarifying phrase or sentence in the schedule  
11 of transitional provisions which would make it clear that  
12 the prohibition in this section did not prevent the  
13 application of the section in the schedule of legislation.

14 Delegate Hardwicke, can the Chair impose on  
15 you to flag that for the two staff members, staff advisors  
16 who are working on the schedule of transitional provisions?

17 DELEGATE HARDWICKE: Yes, Mr. President.

18 THE PRESIDENT: Thank you.

19 Is there any further discussion?

20 Delegate Clagett.

21 DELEGATE CLAGETT: A question of Delegate



1 Gallagher.

2 What is meant by "one term" -- term of the  
3 individual legislator, or term of the General Assembly,  
4 or what?

5 DELEGATE GALLAGHER: The meaning of the term  
6 is the four-year period to which one is elected.

7 THE PRESIDENT: Could you remove any possible  
8 doubt, if it is necessary, by using the language which you  
9 had in the previous section and instead of saying "term"  
10 say "term of office"?

11 DELEGATE GALLAGHER: That would be quite  
12 acceptable, Mr. President.

13 THE PRESIDENT: Does that meet your problem,  
14 Delegate Clagett?

15 Can the amendment be considered modified by  
16 inserting the words "of office" after "term" in line 7?  
17 Is there any objection?

18 If there is no objection, the amendment is so  
19 modified.

20 Is there any further discussion? Are you ready  
21 for the question? The question arises now on the adoption



1 of Amendment No. 9. A vote aye is a vote in favor of  
2 the amendment, a vote no is a vote against.

3 Cast your votes.

4 (Whereupon, a roll call vote was taken.)

5 THE PRESIDENT: Has every delegate voted?

6 Does any delegate desire to change his vote?

7 The Clerk will record the vote.

8 There being 88 votes in the affirmative and  
9 none in the negative, the motion is carried. The amend-  
10 ment is adopted.

11 Are there any other amendments to Section 3.09?

12 Any amendments to Section 3.10?

13 Section 3.11?

14 Section 3.12?

15 Section 3.13?

16 Section 3.14?

17 Delegate Grumbacher.

18 DELEGATE GRUMBACHER: On 3.14 I have Amendment  
19 D, sir.

20 THE PRESIDENT: D as in David?

21 DELEGATE GRUMBACHER: As in dammit.



1 THE PRESIDENT: Pages will please distribute  
2 Amendment D -- D for David.

3 Delegate Rosenstock.

4 DELEGATE ROSENSTOCK: Mr. President, a point  
5 of personal privilege, sir.

6 THE PRESIDENT: State the privilege.

7 DELEGATE ROSENSTOCK: I would appreciate if the  
8 convention would join in giving their usual welcome to my  
9 oldest grandson, John Hawley, who has been attending the  
10 sessions of the convention the last several days. He is  
11 sitting in the north balcony. (Applause)

12 THE PRESIDENT: Delegate Frank Robey.

13 DELEGATE FRANK ROBEY: Mr. President, a point  
14 of personal privilege.

15 THE PRESIDENT: State the privilege.

16 DELEGATE FRANK ROBEY: I, too, would appreciate  
17 if the convention would give a warm welcome to the husband  
18 of Kathleen Robie, Mr. William Robie, and her grandson,  
19 Steven Scott Stevens.

20 I would like it to be noted for the record, since  
21 Kathleen and I have had a noted battle about spelling our



1 names, that Mr. William Robie's mother spells her name and  
2 her maiden name as "Robey". (Applause)

3 THE PRESIDENT: The Chair would like also to  
4 recognize the presence in the gallery of the honorable  
5 Senator Blair Lee of Montgomery County. He has been a  
6 visitor to the convention quite often. We are delighted  
7 to see him here again today. (Applause)

8 Delegate White.

9 DELEGATE WHITE: Mr. President, I would like  
10 to recognize the young son of Delegate Roy Borom who is  
11 up not too far from the President.

12 I would also like to advise the convention that  
13 the eyes of the NAACP are upon you from the gallery at  
14 the rear, the husband of that very fine delegate, the  
15 husband of one individual, B. Clarence. Give him a hand.  
16 (Applause)

17 THE PRESIDENT: Amendment No. 10. The Clerk  
18 will read the amendment.

19 MR. QUILLEN: Amendment No. 10 to Committee  
20 Recommendation No. LB-1, LB-2 and LB-3, as amended by  
21 Report No. S&D-16, by Delegate Grumbacher.



1           On page 5 Section 3.14. Organization of General  
2 Assembly in line 24 after the word "officers" insert the  
3 words: "by secret ballot".

4           THE PRESIDENT: The amendment is submitted by  
5 Delegate Grumbacher. Is there a second?

6           (Whereupon, the amendment was duly seconded.)

7           THE PRESIDENT: The amendment having been  
8 seconded, the chair recognizes Delegate Grumbacher.

9           DELEGATE GRUMBACHER: This chestnut has been  
10 up and down the hill, to coin a phrase, before. It was  
11 a close vote the first time, a tie.

12           This secret ballot was used in the Congress  
13 of the United States for the first 50 years of our history.  
14 The founders of the Republic were realists, they knew  
15 where to set the balance that made the constitution what  
16 it is.

17           In their rules for open voting and accountability  
18 on tangible issues, they were quite satisfied that the bills  
19 and resolutions be resolved by counterveiling pressures,  
20 but on decisions on leadership, no. The intangibles of  
21 leadership and national direction were and are too sensitive.



1 When policy and direction are tied to personality, voting  
2 must be accurate in terms of conscience and not in the  
3 weighing of power or representative accountability.

4 Even today in the case where the election of  
5 the President of the United States goes to the House of  
6 Representatives, that would be done by secret ballot.  
7 Let's hope it doesn't have to happen.

8 The secret ballot in the Legislature would keep  
9 the leadership of the Legislature more responsive to the  
10 membership and through them more responsive to the elect-  
11 orate.

12 I urge the adoption of this amendment.

13 THE PRESIDENT: Delegate Gallagher.

14 DELEGATE GALLAGHER: Mr. President and ladies  
15 and gentlemen, we have considered this matter once before,  
16 as Delegate Grumbacher said. It enjoyed a short favorable  
17 life by virtue of a tie vote, and on reconsideration it  
18 failed.

19 I think we are all familiar with the arguments  
20 for and against. Consequently I would ask for a proper  
21 disposition of the matter -- opposed.



1 THE PRESIDENT: Is there any further discussion?  
2 Delegate Sherbow.

3 DELEGATE SHERBOW: Ladies and gentlemen, I  
4 would certainly urge this assemblage to vote against this  
5 amendment.

6 The General Assembly ought to stand up and be  
7 counted and let the people know what it is that the  
8 constitutional convention has been talking about for 110  
9 days under the name "visibility". If we are to have  
10 visibility, the proper place to start is by eliminating  
11 secret ballots.

12 THE PRESIDENT: Is there any further discussion?  
13 Are you ready for the question?

14 The Clerk will ring the quorum bell.

15 Delegate Mitchell.

16 DELEGATE MITCHELL: Mr. President and fellow  
17 delegates, I support this amendment. We already have the  
18 provisions in the Judicial Branch that the poll of the lawyers  
19 shall be by secret ballot, and I think that this is also  
20 wise.

21 Now, there was no opposition or very little



1 opposition to that in the selection of the judges, and  
2 I think the question of the leadership in the General  
3 Assembly is just as important. I think it will free the  
4 delegates from partisan political considerations in electing  
5 their leadership, and I would like to urge the delegates  
6 to support the amendment.

7 THE PRESIDENT: Are you ready for the question?  
8 The question arises on the adoption of Amendment No. 10.  
9 A vote aye is a vote in favor of the amendment. A vote no  
10 is a vote against.

11 Cast your votes.

12 (Whereupon, a roll call vote was taken.)

13 THE PRESIDENT: Has every delegate voted?

14 Does any delegate desire to change his vote?

15 The Clerk will record the vote.

16 There being 52 votes in the affirmative and  
17 49 in the negative, the motion is carried. The amendment  
18 is adopted.

19 DELEGATE GALLAGHER: Mr. President.

20 THE PRESIDENT: Delegate Gallagher.

21 DELEGATE GALLAGHER: Among Tuesday's bill of



1 fare, would it be appropriate to inquire whether or not  
2 reconsideration of the last vote would be in order? I am  
3 trying to determine where we stand, parliamentarily speaking.

4 DELEGATE JAMES: I would like to make a motion  
5 to reconsider and make it a special order of business for  
6 Tuesday afternoon. This just can't be.

7 THE PRESIDENT: I don't think, unless we  
8 defer further consideration of all of the article, which  
9 I don't want to do, that we can handle it in that manner,  
10 unless the section is first divided from the remaining  
11 part of the article. A division could be called for,  
12 and then it could be handled separately.

13 Delegate James?

14 DELEGATE JAMES: I so move for the division.  
15 Certainly we shouldn't have such an important thing as this  
16 when everyone is calling for the right to know and the  
17 newspapers are clamoring --

18 THE PRESIDENT: Delegate James, I want to be  
19 sure -- you call for division with respect to Section 3.14?

20 DELEGATE JAMES: Yes.

21 THE PRESIDENT: The Chair rules that it is



1 divisible. Now do you make a motion?

2 DELEGATE JAMES: Yes.

3 (Whereupon, the motion was duly seconded.)

4 THE PRESIDENT: Is your motion that further  
5 consideration of Section 3.14 be made a special order for  
6 Tuesday, January 2, following the other special orders?

7 DELEGATE JAMES: Yes.

8 THE PRESIDENT: Is there a second to that  
9 motion?

10 (Whereupon, the motion was duly seconded.)

11 THE PRESIDENT: Delegate Grumbacher.

12 DELEGATE GRUMBACHER: I have absolutely no  
13 objection to making it a special order for that time.  
14 I think it is a serious question and should be decided  
15 when there are more members here.

16 THE PRESIDENT: Delegate James, I don't want  
17 to get into another parliamentary tangle on Tuesday.  
18 My problem is under the rule previously announced with  
19 respect to reconsideration, if we have a final vote, then  
20 Rule 59 would apply to let it lay over two days, and quite  
21 frankly we haven't got two days. May I therefore suggest



1 to you, sir, that you move to reconsider the vote by which  
2 Amendment No. 10 was adopted, and then move that that  
3 motion and further consideration of Section 3.14 be made  
4 the special order for next Tuesday.

5 DELEGATE JAMES: I so move, I make that com-  
6 bined motion.

7 THE PRESIDENT: You withdraw the previous  
8 motion, I take it?

9 DELEGATE JAMES: Yes.

10 THE PRESIDENT: Is there a second?

11 (Whereupon, the motion was duly seconded.)

12 THE PRESIDENT: Delegate White?

13 DELEGATE WHITE: Mr. President, I thought I  
14 was suffering from poor visibility for a few seconds.  
15 Is this issue debatable as to whether or not an item  
16 should become a special item of business for Tuesday?

17 THE PRESIDENT: Yes, it is. If you will let  
18 me state the question --

19 DELEGATE WHITE: Thank you.

20 THE PRESIDENT: The motion has been duly made  
21 and seconded that the vote by which Amendment No. 10 was



1 adopted be reconsidered and that that motion and further  
2 consideration of Section 3.14, as divided, be made a special  
3 order for Tuesday, January 2, 1968, following the other  
4 special orders. The motion has been seconded. It is now  
5 open for discussion.

6 Delegate White.

7 DELEGATE WHITE: Mr. President and members of  
8 the Convention, it was quite enlightening to hear our  
9 learned Second Vice President of this Convention state  
10 that he could not believe that we had taken the action which  
11 he had just witnessed. I sat here with him and others  
12 for hours while the many issues were debated, including  
13 this important issue which failed by a bare margin then.

14 Mr. Chairman, we have steeled ourselves, most  
15 of us, to rely on less debate, because we have heard  
16 all of the issues before. Nothing new is being presented.  
17 Therefore, on this occasion we only required a couple of  
18 statements by Delegate Mitchell and some others, and we  
19 voted. Now someone says they are amazed.

20 Mr. Chairman, unless Tuesday is going to be a  
21 48-hour day, we can't get through by January 12, so I



1 would ask the Convention to turn down this motion and  
2 let's get this thing over with today.

3 Thank you.

4 THE PRESIDENT: Is there any further dis-  
5 cussion? Are you ready for the question?

6 The question arises on the motion to reconsider  
7 the vote by which Amendment No. 10 was adopted, and to make  
8 that motion and further consideration of Section 3.14 as  
9 divided a special order for Tuesday, January 2, 1968,  
10 following the other special orders. A vote aye is a vote  
11 in favor of the motion. A vote no is a vote against. All  
12 in favor signify by saying aye. Contrary, no.

13 The Chair is uncertain. Roll call vote.  
14 A vote aye is a vote in favor of the motion, a vote no  
15 is a vote against.

16 For what purpose does Delegate Hardwicke rise?

17 DELEGATE HARDWICKE: May I request that the  
18 Chairman ring the quorum bell, please?

19 THE PRESIDENT: The Clerk will ring the  
20 quorum bell.

21 The Sergeant-at-Arms will please see if there



1 are any delegates in the corridor or in the lounge and  
2 have them come to the chamber.

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1           The question arises on the motion to make the  
2 motion to reconsider the vote by which amendment No. 10  
3 was adopted, and the further consideration of section 3.14,  
4 a special order for Tuesday, January 2, 1968, following the  
5 other special orders. A vote Aye is a vote in favor of  
6 the motion, a vote No is a vote against.

7           So that there will be no misunderstanding, this  
8 is not a vote on the reconsideration. The motion for  
9 reconsideration has already been made. You are now voting  
10 only on the issue of postponement. If the motion fails,  
11 the motion for reconsideration is before you.

12           A vote Aye is a vote in favor of the postponement.  
13 A vote no a vote against.

14           Delegate Morgan.

15           DELEGATE MORGAN: Wouldn't it be possible to  
16 limit debate on the motion for reconsideration at the same  
17 time?

18           THE PRESIDENT: It would, but I would suggest that  
19 you leave that to the Committee on Calendar. They have  
20 done a pretty good job thus far in limiting debate, and  
21 I think would be under an added impetus for Tuesday.



1 Delegate Morgan.

2 DELEGATE MORGAN: Thank you, Mr. President.

3 THE PRESIDENT: Are you ready for the question?

4 A vote Aye is a vote in favor of the motion. A vote No.

5 against. This is only the postponement -- Aye postponement,

6 No against postponement.

7 Cast your votes.

8 Has every delegate voted? Does any delegate  
9 desire to change his vote?

10 The Clerk will record the vote.

11 There being 75 votes in the affirmative and  
12 32 votes in the negative, the motion is carried. The  
13 motion for reconsideration of amendment 10, and further  
14 consideration of section 3.14 is made a special order for  
15 Tuesday, January 2, 1968.

16 Are there any further amendments to section 3.15 ?  
17 3.16? 3.17? 3.18? 3.19?

18 Delegate Rybcznski, do you desire to offer your  
19 amendment H?

20 DELEGATE RYBCZYNSKI: Yes, sir.

21 THE PRESIDENT: Pages will please distribute



1 amendment H.

2 While that is being distributed, may I make this  
3 announcement. As all of you are aware, the system of high  
4 school students as pages has worked very, very well. The  
5 Convention has received numerous inquiries about it including  
6 detailed inquiries from the legislative leaders of the pre-  
7 sent legislature.

8 One of the reasons this has worked so well is  
9 that we have been able to provide housing accommodations for  
10 all the boys and girls -- the girls in private homes, the  
11 boys at St. Johns College.

12 A drisis developed because St. Johns College  
13 is having a holiday. We have 10 boys. St. Johns is  
14 closed next week. If any of you delegates have living  
15 quarters here in Annapolis which are commodious enough  
16 to accommodate one or more boys, will you please today  
17 let Mrs. Marx know. We would be very grateful if you  
18 could do this, or if you know of any other accommodations.

19 I make this plea to you because, as we enter  
20 the last phase I am most anxious that the excellent record  
21 we have for pages and the accommodations doesn't slip off,



1 and that we maintain it.

2 This will be amendment No. 11. The Clerk will  
3 read the amendment.

4 MR. QUILLEN: Amendment No. 11 to committee  
5 recommendation No. LB-1, LB-2, LB-3, as amended by Report  
6 No. S&E-16, by Delegate Rybczynski and co-sponsors:

7 On page 7, Section 31.9, Journals, in line 17  
8 strike out the following words: ", and for a transcript  
9 of its debate".

10 THE PRESIDENT: The amendment is submitted by  
11 Delegate Rybczynski, seconded by the co-sponsors.

12 The Chair is going to depart from its invariable  
13 practice, as I think I owe this to the Convention.

14 We have in the Convention acquired considerable  
15 experience with respect to transcripts. I think you ought  
16 to have the benefit of that experience before you, and I  
17 think I ought to make a statement, but I think I ought to  
18 do it before there is any debate so that there would be  
19 ample opportunity for both sides to criticize the Chair's  
20 statement, or to contradict it, or to take any other action  
21 in connection with it.



1           As I have indicated from time to time during the  
2 course of the Convention, we have been trying by might and  
3 main to maintain the original schedule that we had set out  
4 to maintain -- which was to have a daily trasncript  
5 available within 24 hours, so that the transcript of one  
6 day's debate would be available on the next day.

7           We have not spared expense in trying to reach  
8 this goal, but it has been utterly impossible of  
9 achievement and, as all delegate who have sought copies of  
10 the trasncript are aware, the transcript has fallen behind --  
11 I think the maximum was either 13 or 15 days, I am not  
12 sure which.

13           This is due to many problems. One is the simple  
14 problem of manpower. We tried at the beginning of the  
15 Convention to obtain permission from the Speaker of the  
16 House of Representatives in Washington to release for  
17 service in this Convention experienced shorthand reporters  
18 and stenotype reporters so they could help us maintain  
19 the scuedule. This permission was refused. The number  
20 of such persons available in Baltimore and Washington  
21 -or gatherings of this sort is limited. Although I think



1 we secured the services of one of the best, if not the  
2 best such reporting concern in these parts, both of the  
3 gentlemen having had prior experience with the reporting for  
4 Congress, it is physically impossible to keep up with two  
5 reporters reporting a Convention whose sessions run as  
6 long as this Convention's does, this notwithstanding the  
7 fact that the transcription of the stenotype reporter's  
8 notes is not made by the reporter, but by a stenotype  
9 reader who reads the stenotype notes and types it.

10 This means it is a separate person. These persons have  
11 worked late into the night, 1:00, 2:00 and 3:00 o'clock,  
12 in an effort to have the transcript typed.

13 The problem of reproduction of the transcript  
14 has also been monumental. We started with the idea of  
15 having a transcript copy available for every delegate.  
16 This so completely tied down our print shop that it was  
17 unworkable. We requested delegates not to have copies  
18 unless they really wanted them, and thereby we cut in half  
19 the number of transcript copies.

20 Notwithstanding this fact, notwithstanding the  
21 fact that the print shop works unconscienably long hours,  
they are much further behind in printing the



1 transcript than the stenotype reporters are in making it  
2 available.

3 This is, in a sense, a dismal picture. I  
4 present it to you because it is a cold, hard fact.

5 On the other hand, as all of you are aware, the  
6 Congressional Record is available at 9 o'clock every  
7 morning for debates the previous day, and I made inquiry  
8 as to how this is possible. It is possible, and would be  
9 possible for this Convention, and I suppose for  
10 the legislature, provided two things: either unlimited  
11 or certainly not seriously limited funds; but, more  
12 importantly, personnel.

13 Congress achieves its ability to report tran-  
14 scripts so quickly by having a battery of short hand --  
15 not stenotype -- reporters on the Floor of the Congress.  
16 Each reporter while on duty serves seven minutes at a  
17 time, and stands within a few feet of the person speaking.  
18 When his seven minutes of duty are ended, he retires  
19 from the floor to a room adjacent to the chamber where he  
20 immediately dictates his notes to a stenographer who  
21 immediately transcribes them.

They are returned to the member who made the



1 speech within the hour. He makes such corrections as he  
2 deems necessary, and the document, the transcript, is then  
3 referred to another group of representatives of the Govern-  
4 ment Printing Office who are on duty, as I understand it,  
5 24 hours a day. They mark the transcript for the printer.  
6 It goes to the Printing Office and is printed that night.

7 I mention this to point out to you that it is  
8 feasible, with the money and with the personnel that the  
9 Federal Government has, to have the Congressional Record  
10 available immediately.

11 I think our experience in the Convention is of  
12 interest to you in considering feasibility sofar as the  
13 legislature is concerned.

14 Are there any questions of the Chair before  
15 debate?

16 The Chair recognizes Delegate Rybczynski.

17 DELEGATE RYBCZYNSKI: Mr. President, I have  
18 found that one of the first things that a young lawyer  
19 must learn is when to stop his case, and I don't mind  
20 telling you that I feel very tempted at this point to  
21 stop in my case.



1 I am going to do just that.

2 THE PRESIDENT: Delegate Gallagher.

3 DELEGATE GALLAGHER: Before I say anything,  
4 Mr. Chairman, do you want to be recorded for or against  
5 this amendment?

6 It would appear to me that the validity of the  
7 practice remains unchanged: This can't be -- if I may  
8 quote my fellow delegate.

9 Mr. Chairman, I do think that it is possible  
10 to carry out the provisions of the section that is sought  
11 to be deleted here. We have provided that it shall be  
12 done by rule. I think that all the arguments that were  
13 made with respect to visibility are applicable, and  
14 I think there is no necessity here that we attempt to  
15 provide at 9 o'clock the following morning the debates  
16 that took place the day before.

17 Quite obviously what the Committee on the Legis-  
18 lative Branch had intended was to have a record of what  
19 took place on the floor. Despite the difficulties that  
20 may exist in actuality, I am certain that if there is a  
21 need that the need can be met, and I think it will provide  
a significant public service.



1 I think that in trying to advance the vision  
2 of the people and the responsibility of the legislators  
3 that we ought not jettison this particular feature  
4 which found favor with this body when we debated it  
5 earlier and when it was voted upon. And therefore, Mr.  
6 President, I would urge you and the other members to vote  
7 against the amendment.

8 THE PRESIDENT: I think the Chair should make  
9 this further comment, although I am sure it will be greeted  
10 by laughter, notwithstanding the comments of Delegate  
11 Rybczynski and Delegate Gallagher.

12 I was not attempting to -- I won't say not  
13 attempting to influence your vote, because I am attempting  
14 to educate it; but I am not attempting to tell you how to  
15 vote, and the Chair does not intend to vote. My concern  
16 was only that the delegates have the benefit of the  
17 information that is available to the Chair and which you  
18 would not have unless you were told by me.

19 I would certainly expect any delegate to vote  
20 his conscience, and I would expect any delegate to be  
21 free in debate to tear to pieces any comment the Chair has



1 made.

2 Is there any further discussion?

3 Delegate Burdette.

4 DELEGATE BURDETTE: I should like to touch  
5 upon an entirely different point, or really two points.

6 From the point of view of the Committee on  
7 Style, and I as an individual member speak for myself,  
8 this transcript has been of enormous value in discovering  
9 intent. It has, I should think, likewise for the State  
10 of Maryland enormous value in the judgment which the people  
11 make about the performance of legislators and the judg-  
12 ments which are made in courts about legislative history.  
13 The value of the transcript is not only transient, but  
14 permanent.

15 I should like to make the point also that I  
16 do not interpret any requirement in the language here  
17 used to require a printed transcript. I should like  
18 to suggest to the President that I should certainly inter-  
19 pret this language to permit a recorded transcript  
20 which could be made available in that fashion by proper  
21 indexing.



1 I do not think we are in any sense limiting  
2 the General Assembly in its power by rule to make a printed  
3 transcript, or to make it available at any particular  
4 time or to any particular audience. I simply suggest  
5 that it is of enormous value to the visibility of our  
6 legislature and for the enlightenment of public life in  
7 this State.

8 THE PRESIDENT: I think the chair should ad-  
9 vise you that there is another amendment which, I suppose,  
10 would be offered in the event this amendment is defeated,  
11 or may be offered anyhow, which would strike out the word  
12 "transcript" and insert the words "visual and audible  
13 record."

14 I don't know whether that is intended to cover  
15 the point you make or not, Delegate Burdette.

16 Delegate James Clark.

17 DELEGATE CLARK: Mr. President, ladies and  
18 gentlemen:

19 I rise to support the amendment. I think that  
20 perhaps in the light of what we have learned from our  
21 experience that it is certainly unwise to include this



1 in the Constitution.

2 If in the future the General Assembly wishes to  
3 follow this course, this is always open to them, and I  
4 would certainly hope that the amendment prevails.

5 THE PRESIDENT: Delegate Beatrice Miller.

6 DELEGATE B. MILLER: Mr. Chairman, as we dis-  
7 cussed this in the Legislative Committee there were a  
8 number of us that felt that this was one of the most import-  
9 ant changes that we would be making or important recommenda-  
10 tions that we would be making. Some of us have come to  
11 the legislature year in and year out trying to find out  
12 what is going on, trying at home to get reports of what has  
13 happened, how our legislators have done, what the issues  
14 were, what was said, and it is very difficult to get this  
15 information.

16 We have heard here much discussion about  
17 visibility. I can think of no single factor which would  
18 give a legislator more visibility than the written history.  
19 If that history were not available in one day or one  
20 week but were available even two months later, it might be  
21 very valuable, and I would urge the delegates to consider



1 this seriously.

2 I would also point out that much of what we  
3 are proposing will cost a little bit more than what we are  
4 spending today on our State Government. I think this is  
5 something that we have to face.

6 If the State Government is to live up to its  
7 responsibility and carry out its part in the governmental  
8 structure, there will have to be more money spent on the  
9 business of government, but I do think that all of this  
10 money will be wisely spent. I think we can be penny wise  
11 in this area if we don't provide the means whereby our  
12 citizens can be informed and whereby our legislators can have  
13 the information.

14 I urge you to vote against the amendment.

15 THE PRESIDENT: Delegate Mitchell.

16 DELEGATE MITCHELL: Mr. President and fellow  
17 delegates, I think this is the time for Delegate Storm's  
18 recommedation of an innovation. We are having all of these  
19 new electronic and other inventions all the time, and with  
20 the suggestion, it seems to me, instead of saying "audible  
21 or oral record", if we say "a record of its debate,"



1 rather than "transcript" -- just say "a record" -- then  
2 it would be up to the General Assembly to provide that it  
3 be either an oral record or Delegate Storm's suggestion of  
4 this new electronic device that both records the oral  
5 debate and the picture of the experience. In investigating  
6 that, it is relatively inexpensive.

7 I would strongly urge that we vote against the  
8 amendment.

9 THE PRESIDENT: Delegate Freedlander.

10 DELEGATE FREEDLANDER: I move the previous  
11 question, please.

12 THE PRESIDENT: Is there a second?

13 (The motion was duly seconded)

14 THE PRESIDENT: The Clerk will ring the quorum  
15 bell.

16 The previous motion has been made to order the  
17 previous question. A vote Aye is a vote in favor; a vote  
18 No a vote against. All in favor signify by saying Aye.  
19 Contrary No.

20 The Ayes seem to have it. The Ayes have it.  
21 It is so ordered.



1 The question arises on the adoption of amendment No. 11.  
2 A vote Aye is a vote in favor of the amendment. A vote  
3 No is a vote against.

4 Cast your votes.

5 Has every delegate voted? Does any delegate  
6 desire to change his vote?

7 The Clerk will record the vote.

8 There being 58 votes in the affirmative, and  
9 43 in the negative, the motion is carried. The amendment  
10 is adopted.

11 Delegate Rybczynski.

12 DELEGATE RYBCZYNSKI. A point of inquiry.

13 THE PRESIDENT: State your inquiry.

14 DELEGATE RYBCZYNSKI: On line 20 and 21 of the  
15 same section, is it the Chair's opinion that a further  
16 amendment is necessary to delete the reference to "transcript  
17 of debates"?

18 THE PRESIDENT: That is what I just spoke to  
19 Delegate Gallagher about, and he, I think, is going to make  
20 a motion.

21 Delegate Gallagher.



1 DELEGATE GALLAGHER: Mr. President and ladies  
2 and gentlemen: In view of the action just taken by the  
3 body, I think we should be consistent, and therefore I  
4 would move that on line 20 ---

5 DELEGATE JAMES: Mr. Chairman, could I make a  
6 suggestion?

7 THE PRESIDENT: Delegate James.

8 DELEGATE JAMES: If you change the word "shall"  
9 to "may" it would leave the concept of the possibility  
10 of providing for a typed record, but it wouldn't be  
11 mandatory. If you simply change the word "shall" to "may"  
12 on line 21.

13 THE PRESIDENT: To make it read smoothly, I  
14 think, Delegate James, that it would be desirable to  
15 change the word "the" in line 20 to "a", and then I think,  
16 Delegate Gallagher, the amendment would be in order, and  
17 probably preferable.

18 DELEGATE GALLAGHER: So that, Mr. Chairman, the  
19 sentence would therefore read "Each House shall provide  
20 by rule that the daily journal shall be published as soon  
21 as practicable and that a transcript of debates may be made



1 available at reasonable times to the public."

2 THE PRESIDENT: I don't think you even need  
3 the "at reasonable times", if you are going to provide it  
4 for both.

5 DELEGATE GALLAGHER: Then I would drop "at  
6 reasonable times". It was originally dropped, but the  
7 Style Committee indicated that it intended "at reasonable  
8 times" should follow the word "public", so it can be dropped,  
9 and I would do so.

10 THE PRESIDENT: I am sorry. I didn't know  
11 that it had been returned. It wasn't on my copy.

12 Would you state it again, Delegate Gallagher?

13 DELEGATE GALLAGHER: I believe it should read  
14 as follows: "Each House shall provide by rule that the  
15 daily journal shall be published as soon as practicable,  
16 and that a transcript of debates may be made available  
17 to the public at reasonable times."

18 THE PRESIDENT: In line 18 I understand the word  
19 "provide" has already been changed to "prescribe",  
20 Delegate Gallagher.

21 DELEGATE GALLAGHER: That is correct, everywhere



1 the word "provide" is used, it now reads "prescribe".

2 THE PRESIDENT: Is there any objection to consid-  
3 ering an amendment to change the word "the" in line 20 to  
4 "a", and to insert after the word "shall" in line 21 the  
5 words "be made"?

6 The Chair hears none. This will be amendment  
7 12.

8 Delegate Rybczynski.

9 DELEGATE RYBCZYNSKI. I do object and, if I  
10 may, I would like to state my reasons.

11 THE PRESIDENT: Do you object to it because  
12 it is not printed?

13 DELEGATE RYBCZYNSKI: Well, for whatever reason  
14 is available. That is as good a reason as any, yes, sir.

15 THE PRESIDENT: Delegate Rybczynski.

16 DELEGATE RYBCZYNSKI: I don't want to be the  
17 dirty guy here, but I stood up to merely completely what  
18 had previously been done by the Chamber. I deferred to  
19 Delegate Gallagher to do the same thing.

20 Now, we are about to put back in what we just  
21 took out.



1 THE PRESIDENT: Very well, your point is well  
2 taken. The Chair will recognize you to make your motion.

3 DELEGATE RYBCZYNSKI: Mr. President, I move  
4 that on line 20, 21 and 22 of page 7, section 3.19, that  
5 we delete the words "and that the transcript of debates  
6 shall be available to the public."

7 THE PRESIDENT : The words "at reasonable times"  
8 are inserted after "public". I assume you would  
9 take those out also, Delegate Rybczynski.

10 DELEGATE RYBCZYNSKI: Yes, sir.

11 THE PRESIDENT: Is there any objection to  
12 considering, although not printed, the amendment to delete  
13 from lines 20, 21 and 22 the words "and that the transcript  
14 of debate shall be available to the public at reasonable  
15 times"?

16 Delegate Stern.

17 DELEGATE STERN: Mr. President, Mr. Storm, who  
18 could not be here at this time today, asked me to introduce  
19 his motion which is lettered "K", ---

20 THE PRESIDENT: Are you objecting to the  
21 consideration of the pending motion, because it is not printed?



1 DELEGATE STERN: I wouldn't object to that, but  
2 I wonder if we could postpone it. If Delegate Storm's  
3 motion were put in we would have to change Delegate Storm's  
4 motion as it is printed.

5 First we would have to change it because of  
6 the last vote, and then have to change it to include the  
7 language that would be struck if this were voted upon and  
8 approved.

9 THE PRESIDENT: I hesitate very much to do it,  
10 but it seems to me that as a practical matter the only  
11 reasonable way to handle it then would be for somebody,  
12 if they so desire, to ask for a division with respect to  
13 section 3.19, and to make it the special order for Tuesday,  
14 also. Delegate Stern.

15 DELEGATE STERN: I am not asking for that, I am  
16 just asking if we can postpone it until we put Delegate  
17 Storm's amendment in, if you will allow me to make the  
18 motion now which he requested me to do.

19 THE PRESIDENT: As a substitute, is that what  
20 you mean?

21 DELEGATE STERN: Yes, sir.



1 THE PRESIDENT: Oh, that can be done.

2 You don't object to Delegate Rybczynski's motion  
3 because it is not printed?

4 DELEGATE STERN: No, sir.

5 THE PRESIDENT: Very well.

6 Delegate Penniman.

7 DELEGATE PENNIMAN: Mr. Chairman, I am afraid  
8 that there has been a mistake made in the typing from our  
9 committee. If you will look at lines 13 through 17 to  
10 the point where it has been scratched by the amendment,  
11 and then if you read the next sentence, you will find  
12 they are saying exactly the same thing in slightly different  
13 words. I think one can simply stop at line 17, and cut the  
14 entire next sentence. It was obviously their inadvertent --  
15 it got typed twice. Isn't it the same?

16 THE PRESIDENT: I don't think so, Delegate  
17 Penniman. One price for keeping the journal, and that it  
18 is to be open for inspection, the other price for  
19 the publication.

20 DELEGATE PENNIMAN: The first is to provide  
21 for a current daily journal, and the second one calls for



1 publishing it.

2 THE PRESIDENT: We are delaying for a moment  
3 because the delegates who had been requested by  
4 Delegate Storm to submit his amendment are under the  
5 circumstances uncertain as to what he would want them to  
6 do, and they are telephoning him. It will be but a moment.

7 Delegate Henderson.

8 DELEGATE HENDERSON: Mr. President, it seems to  
9 me we are getting into a parliamentary hassle over what I  
10 think is a very extremely simple proposition. This Assembly  
11 has just voted to delete the necessity for the General  
12 Assembly to keep a transcript of its proceedings.

13 Now, Delegate Rybcynski's motion now is to  
14 delete the clause which calls for the mandatory publication  
15 of that transcript, and I would assume that that is  
16 simply clarifying and carries out what might well have been  
17 included in the last vote, so that I would assume that  
18 everybody who voted to delete the clause requiring the  
19 keeping of a transcript would also vote for the fact that  
20 it need not be published -- a non-existent transcript need  
21 not be published. That is simply a clarification.



1 THE PRESIDENT: That us true. The difficulty  
2 arises because two other delegates desire to offer motions  
3 as substitutes for the pending motion, which is what is  
4 causing the present confusion.

5 Delegate Henderson.

6 DELEGATE HENDERSON: Delegate Gallagher's motion  
7 on the other hand, which would substitute "may" in the  
8 publication is, I take it, quite unnecessary because the  
9 legislature would have plenary power to do so.

10 Now, if we could dispose of these things, would  
11 not the way then be open for Delegate Storm's motion which  
12 would substitute "audible" for the transcript called for  
13 in the first proposal?

14 THE PRESIDENT: Delegate Beatrice Miller.

15 DELEGATE BEATRICE MILLER: Mr. Chairman, I do  
16 this with considerable reluctance, but in view of the  
17 people here, in view of the importance of the matter,  
18 I would ask that we have reconsideration of this item.

19 THE PRESIDENT: You mean you are moving for  
20 reconsideration of the vote by which amendment No. 11 was  
21 adopted?



1 DELEGATE BEATRICE MILLER: Yes, sir.

2 THE PRESIDENT: The Convention will please come  
3 to order.

4 Delegate Rybczynski.

5 DELEGATE RYBCZYNSKI: Mr. President, in all  
6 seriousness I make this motion in order to try to help:

7 I move that we adjourn until noon on Tuesday.

8 THE PRESIDENT: The Clerk will ring the quorum  
9 bell.

10 Sergeant-at-Arms, will you please get delegates  
11 to move into the Chamber quickly?

12 Delegate Rybczynski, your motion to adjourn  
13 of course has priority. The Chair, if you desire to press  
14 it, would ask you to amend it to make it at 10 o'clock on  
15 Tuesday. This creates problems, because we had wanted  
16 to have Tuesday morning for some committee meetings.

17 I have been informed that you sent a message  
18 that if the Chair wanted you to withdraw the motion, you  
19 would do so. I would much prefer, in view of the tightness  
20 of time, to finish consideration of the remainder of this  
21 article, except for this section. I am frankly quite



1 troubled that the statement of the chair, which I thought  
2 should be made for the information of all delegates, had  
3 more influence than intended -- because of the absence of  
4 so many delegates. I personally would feel more  
5 comfortable if the further consideration of Section 3.19  
6 were held over until Tuesday, but we concluded the rest  
7 of this article.

8 Now, with that statement, I will leave it to you.

9 DELEGATE RYBCZYNSKI: Mr. President, I will  
10 withdraw, but I want the Chair to know that the people back  
11 here are really getting angry about people leaving, walking  
12 out --

13 THE PRESIDENT: It is trouble the Chair, too,  
14 and I would like, as soon as we can, to conclude. I have  
15 been watching the votes, and as I see the total going down  
16 and down, it is very disturbing. I realize, on the other  
17 hand, that the Convention has been working awfully hard  
18 this week, and no one anticipated a session today, much  
19 less a late session.

20 Thank you for withdrawing the motion.

21 Delegate Gallagher, the Chair would recognize



1 you and request that you ask for a definition as to  
2 section 3.19. The Chair would divide the question and then  
3 recognize you to move that further consideration be deferred  
4 until Tuesday.

5 DELEGATE GALLAGHER: Mr. Chairman, I move for  
6 a division of section 3.19.

7 THE PRESIDENT: The Chair rules it is divisible.  
8 It is divided.

9 DELEGATE GALLAGHER: Mr. Chairman, I move that  
10 consideration be postponed until next Tuesday at a time  
11 stated.

12 THE PRESIDENT: Is there a second?

13 (The motion was duly seconded)

14 THE PRESIDENT: It is regularly moved and  
15 seconded that further consideration of section 3.19 as  
16 divided be made a special order for a time to be stated on  
17 Tuesday, January 2, 1968. All in favor signify by saying  
18 Aye. Contrary No. The Ayes have it. It is so ordered.

19 Thank you very much.

20 The Chair would propose to finish the  
21 consideration of this committee recommendation, and then



1 adjourn so that we do not take up the other items on the  
2 agenda.

3 Are there any further amendments to section 3.20?  
4 Further amendment to section 3.21? 3.22?

5 Delegate Gallagher.

6 DELEGATE GALLAGHER: Mr. Chairman, just a  
7 brief amendment. Amendment W for Worry.

8 THE PRESIDENT: Let me state, so the record will  
9 be clear, and before I forget it -- and I am sorry to  
10 interrupt you, Delegate Gallagher -- Delegate Beatrice  
11 Miller had made a motion to reconsider the vote by which  
12 amendment No. 11 was adopted, but Delegate Rybczynski  
13 has a pending motion to delete the words in lines 19  
14 and 20 so that when we reconsider, the matter pending is  
15 delegate Rybczynski's motion and, thereafter, Delegate  
16 Miller's motion.

17 Pages will please distribute amendment W.  
18 This will be amendment No. 12.

19 The Clerk will read the amendment.

20 MR. QUILLEN: Amendment No. 12 to committee  
21 recommendation Nos. LB-1, LB-2 and LB-3.



1           On page 8, Section 3.22, Congressional Redistrict-  
2 ing Procedure in line 29 after the word "shall" strike out  
3 the remainder of the line and all of line 30 and insert  
4 in lieu thereof the following: "enact either the  
5 commission plan or a Congressional redistricting plan of its  
6 own."

7           THE PRESIDENT: The amendment is submitted by  
8 Delegate Gallagher.

9           Is there a second?

10          (The motion was duly seconded)

11          THE PRESIDENT: The amendment having been  
12 seconded, the Chair recognizes Delegate Gallagher.

13          DELEGATE GALLAGHER: Mr. President, ladies and  
14 gentlemen: we are asking that we return to the original  
15 language of the committee to provide that the General  
16 Assembly shall enact either the commission plan, which would  
17 have been submitted to it by the redistricting commission,  
18 or a Congressional redistricting plan of its own. We  
19 feel that this is preferable to the language suggested which  
20 provided that the General Assembly shall prescribe by law  
21 a Congressional redistricting plan or the commission plan.



1           As you may have rememebered from prior debate,  
2 we stated that it was necessary, we believed, under the  
3 Federal Constitution, to have the General Assembly actually  
4 enact by law a plan of its own. We recognized that there  
5 was a possibility that the commission plan might be accepted,  
6 but it would have to be enacted into law, and we feel,  
7 therefore, that the original language is more closely  
8 allied to the Federal Constitutional requirements than  
9 the language as it came out of the Style Committee.

10           THE PRESIDENT: Delegate Miller.

11           DELEGATE B. MILLER: Mr. President, it is just  
12 a question, if I may, to Chairman Gallagher:

13           In the discussion in Style on this question we  
14 wondered whether by using the words "a plan of its own"  
15 we would preclude the General Assembly from enacting a  
16 plan which they might like which had been offered to them,  
17 say, by the League of Women Voters, or any other group.

18           THE PRESIDENT: Delegate Gallagher.

19           DELEGATE GALLAGHER: No, I certainly wouldn't  
20 put that interpretation upon it. The plan ultimately  
21 adopted by the General Assembly would be the plan of its



1 own regardless of who suggested it or sponsored it in the  
2 beginning.

3 THE PRESIDENT: Delegate Beatrice Miller.

4 DELEGATE B. MILLER: In that case, I move the  
5 previous question.

6 THE PRESIDENT: Second?

7 (The motion was duly seconded)

8 THE PRESIDENT: All in favor of ordering the  
9 previous question on amendment 12 signify by saying Aye.  
10 Contrary No. The Ayes have it. It is so ordered.

11 The question arises on the adoption of amendment  
12 12. A vote Aye is a vote in favor of the amendment. A  
13 vote No is a vote against.

14 Cast your vote.

15 Has every delegate voted? Does any delegate  
16 desire to change his vote?

17 The Clerk will record the vote.

18 There being 102 votes in the affirmative and  
19 none in the negative, the amendment is adopted.

20 Are there any other amendments to section 3.22?

21 Are there any other amendments to any of the



1 sections of Committee Recommendation LB-1 and -2 other  
2 than 3.03, 3.04, 3.19 and 3.23?

3 If not, the question arises upon the adoption  
4 on second reading of Committee Recommendations LB-1, LB-2,  
5 and LB-3 with the exceptions of sections 3.03, 3.04 and  
6 3.19 and 3.23. A vote Aye is a vote in favor of the  
7 adoption of the recommendation with the exceptions noted.  
8 A vote No is a vote against.

9 Delegate Grumbacher.

10 DELEGATE GRUMBACHER: Is not 3.14 a special  
11 order, sir?

12 THE PRESIDENT: I'm sorry. Thank you. 3.03,  
13 3.04, 3.14, 3.19 and 3.23 are the exceptions.

14 A vote Aye is a vote in favor of the adoption of  
15 the committee recommendations as amended with the exceptions  
16 noted. A vote No is a vote against.

17 Cast your vote.

18 Has every delegate voted? Does any delegate  
19 desire to change his vote? The Clerk will record the vote.

20 There being 99 votes in the affirmative, and none  
21 in the negative, the committee recommendations LB-1, LB-2



1 and LB-3, as amended, with the exceptions of Sections  
2 3.03, 3.04, 3.14, 3.19 and 3.23, are adopted.

3 Delegate Gallagher.

4 DELEGATE GALLAGHER: Mr. President, before I  
5 retire, on behalf of the Convention I take this opportunity  
6 to wish the President a happy New Year.

7 THE PRESIDENT: Thank you very much. (Applause)

8 THE PRESIDENT: Mrs. Marx has asked me to say  
9 thank you. She has placed 5 pages. She still needs  
10 accommodations for five more. If any of you have any  
11 suggestion, please let her know.

12 Delegate Fornos.

13 DELEGATE FORNOS: Mr. President, Members of the  
14 Convention, I rise on a point of personal privilege.

15 THE PRESIDENT: State the privilege.

16 DELEGATE FORNOS: Certainly we have been blessed  
17 in this Convention with a wealth of talent in the staff  
18 that has assisted us, and at this time I would hope that  
19 the Convention would join me in wishing a happy birthday to  
20 a very able staff assistant of this Convention, a young  
21 lady now serving as assistant to the President, Miss



1 Janet Shedd. (Applause).

2 THE PRESIDENT: Will the pages please distribute  
3 the amendment X and Y. X-ray and Yokum. These are  
4 respectfully numbers 12 and 13 to EB-1 and EB-2.  
5 You have already acted. I just wanted to complete your  
6 record.

7 Delegate Hopkins.

8 DELEGATE HOPKINS: Mr. President, I think most of  
9 us have 12 and 13 to EB-1 and -2.

10 THE PRESIDENT: Very well.

11 While we are distributing those, let me make  
12 an announcement or two which will keep you for a few  
13 moments, but don't leave your seats.

14 As soon as the pages have distributed, they will  
15 go get the commissions and bring them to you. I would  
16 much rather they pages hand you your commission, so that any  
17 further responsibility for breakage is yours, and we don't  
18 run the risk of having the commissions damaged.

19 Will the pages, as soon as they have concluded  
20 distributing the amendments, please get the commissions out  
21 of the Senate Chamber and present them to the delegates?



1           Let me take but a moment to tell you what I think  
2 is obvious. We have a four-day week scheduled next week  
3 that is going to be an exceedingly difficult one. I  
4 think we can conclude without unseemly haste what is on the  
5 schedule, but only upon condition that all delegates  
6 plan to be here in Annapolis all day Tuesday, Wednesday,  
7 perhaps Thursday -- you certainly ought to plan for it --  
8 and certainly on Friday. Please do not make any plans  
9 or assumptions that you will not have an evening  
10 session or that you will have a late morning session, or  
11 that you won't be needed at any time during these days.  
12 I think we will have to operate on the assumption that  
13 all delegates are here, and that we can change the calendar  
14 on a moment's notice, change the hours, and move forward.

15           Next week is for all practical purposes the last  
16 week, and we can do the job if we stay to it in that way.

17           Delegate James.

18           DELEGATE JAMES: Mr. President, let me suggest  
19 we not make any plans for Saturday. either.

20           THE PRESIDENT: Thank you very much.

21           Delegate Wheatley.



1 DELEGATE WHEATLEY: Mr. Chairman, at what time  
2 do we plan to come in? At noon on Tuesday?

3 THE PRESIDENT: Plan to come in at noon for  
4 the session, but I would urge every delegate to be here  
5 Tuesday morning so that if you have any amendments or  
6 if there are any last-minute messages to get to you we can  
7 reach you. The session undoubtedly will run all day, all  
8 afternoon Tuesday, and Tuesday night. It will probably be  
9 all day Wednesday and Wednesday night.

10 Delegate Wheatley.

11 DELEGATE WHEATLEY: There will be a meeting of the  
12 General Provisions Committee on Tuesday at 11:30 a.m., in  
13 the General Provisions room.

14 THE PRESIDENT: Delegate Wheatley, may I  
15 inquire if that is with respect to the schedule of committee  
16 recommendations on transitional and legislative?

17 DELEGATE WHEATLEY: No, Mr. Chairman.

18 THE PRESIDENT: All right.

19 Are there any other announcements by committee  
20 chairmen?

21 Any announcements by any other delegates?



1 Delegate Clagett.

2 DELEGATE CLAGETT: Mr. President, there will be  
3 a meeting of the Local Government Committee on Tuesday at  
4 11 o'clock, followed by the taking of a picture.

5 THE PRESIDENT: Delegate Penniman.

6 DELEGATE PENNIMAN: There will be a meeting of the  
7 Committee on Style, Drafting and Arrangement at 9:30 on  
8 Tuesday.

9 THE PRESIDENT: Any other announcement by  
10 committee chairmen, or any others?

11 There is one resolution, resolution 26. The  
12 Clerk will read it.

13 MR. QUILLEN: Resolution No. 26 by the Committee  
14 on Public Informatin, William B. Dulany, Chairman:

15 "A RESOLUTION to provide for an office of  
16 public information and a staff and offices to conclude  
17 the business of the Convention following adjournment sine  
18 die, and to preserve its files, records, transcripts,  
19 journals and histories.

20 WHEREAS, the General Assembly directed the  
21 Constitutional Convention to establish an information



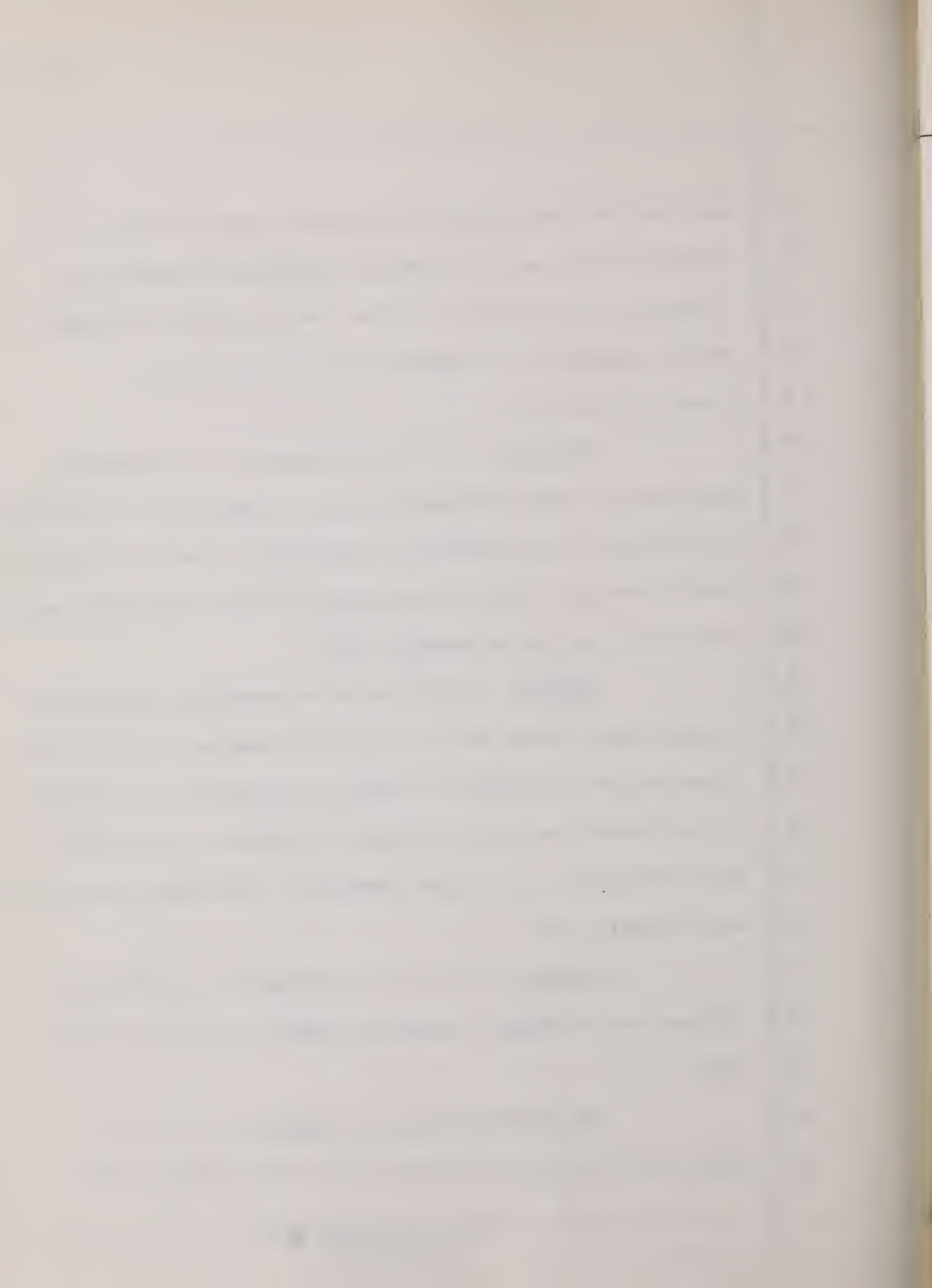
1 service for the purpose of regularly communicating to the  
2 people of Maryland information about the proposed new  
3 Constitution in order to allow them to become informed  
4 before voting in the Referendum on the proposed  
5 Constitution; and

6 WHEREAS, it will be necessary to continue a  
7 program on public information with a committee of Delegates  
8 to formulate the program and supervise a public information  
9 staff from the time of adjournment of the Convention until  
10 the voting in the Referendum; and

11 WHEREAS, it will also be necessary to maintain  
12 a staff and offices for an indefinite period following the  
13 close of the Convention in order to conclude the business  
14 of the Convention and to compile, preserve, and publish  
15 where desirable, its files, records, transcripts, histories  
16 and journals; and

17 WHEREAS, it will be necessary to provide for  
18 offices and to engage employees needed to carry out this  
19 work,

20 NOW, THEREFORE, BE IT RESOLVED, that the  
21 Constitutional Convention carry out the mandate of the



1 General Assembly by providing for a program of public  
2 information to continue after adjournment of the Convention  
3 until the Referendum on the Constitution proposed by the  
4 Convention, and be it further

5 RESOLVED, that the President of the Convention  
6 be directed to appoint from the Delegates a chairman and  
7 members to a post-Convention Committee on Public Information  
8 which shall formulate an impartial public information program  
9 for the purpose of communicating to the people of Maryland  
10 information about all pertinent issues, and which shall  
11 provide for the publication of the whole Constitution  
12 proposed by the Convention in such manner as will allow the  
13 people of Maryland to become informed before the Referendum,  
14 and be it further

15 RESOLVED, that the President be authorized to  
16 select a staff and establish offices to provide for the  
17 orderly conclusion of the business of the Convention,  
18 including the compilation, preservation and publication  
19 where desirable, of its files, records, transcripts,  
20 histories, and journals, and be it further

21 RESOLVED, that should funds in the Convention



1 budget be inadequate, the President is authorized to  
2 request sufficient funds from the State of Maryland to fully  
3 implement this resolution."

4 THE PRESIDENT: The resolution is referred to  
5 the Committee on Calendar and Agenda. It will be printed  
6 and made available to you as early as you are available  
7 on Tuesday. It will be on the calendar for action  
8 as soon as we conclude consideration of pending matters.

9 Delegate Stern.

10 DELEGATE STERN: A point of personal privilege.

11 THE PRESIDENT: State the privilege.

12 DELEGATE STERN: My chart, which has probably  
13 been the only piece of demonstrative evidence, I would  
14 like to present to Dick Case, inscribed "To Dick Case,  
15 without whose efforts this chart would not have been  
16 necessary". (Laughter)

17 THE PRESIDENT: Delegate Finch, if your camera  
18 is still operative you may be able to get a real action  
19 shot.

20 Delegate Case.

21 DELEGATE CASE: Mr. President, in view of the



1       lateness of the hour, all I am going to say is that this  
2       chart is going to bond me together with Howard Stern  
3       for a long, long time.

4               THE PRESIDENT: Delegate Case, I suggest to you  
5       that if you are really as fond of that chart as you appear  
6       to be, and if you can ddvise some way to frame around  
7       that piece that sticks out, I think you can get the office  
8       across the street to put a frame on it for you.

9               Before recognizing Delegate Powers, I want  
10       only to say to you that the latter part of this year has  
11       been indeed one of a great deal of work and trying efforts.  
12       but I think also has been one of very close, warm and  
13       enduring friendships, and I for myself want to wish you,  
14       each and every one of you, a very, very pleasant and relax-  
15       ing weekend and a very happy New Year. (Applause)

16               (Delegates rose and sang "Oulde Lang Syne".)

17               THE PRESIDENT: Delegate Powers.

18               DELEGATE POWERS: Mr. President, without  
19       continuing the music, I move we adjourn until 12 noon on  
20       Tuesday, January 2.

21               THE PRESIDENT: All in favor sngnify by saying



1 Aye. Contrary No.

2 The Ayes have it. It is ordered.

3 Before we adjourn, all delegates present  
4 now not present at the earlier roll call may indicate  
5 their presence on the supplemental roll call.

6 (Roll call taken)

7 We will adjourn until Tuesday at 12.

8 (Thereupon, the Convention adjourned, to  
9 reconvene Tuesday, January 2, 1968, at 12 o'clock noon.)

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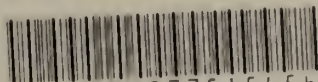








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